

## SECTION 11 WORKPLACE HARASSMENT

*The Town's policy prohibits harassment or discrimination based on an employee's gender or any other protected status. Every employee deserves to be treated with respect and dignity in the performance of his/her duties. This policy defines the behavior expected of all employees and the responsibility of the Town to ensure that the Town's work environment is free from harassing conduct.*

### 11.1 POLICY STATEMENT

It is the policy of the Town of Blacksburg that actions or statements constituting sexual or any other workplace harassment are detrimental to both the well-being of the victim and the efficient administration of the Town. Therefore, sexual or any other workplace harassment will not be tolerated. Workplace harassment includes harassment based upon an employee's age, color, disability, genetic information (information about an individual and their family members' genetic tests and information about the manifestation of a disease or disorder), marital status, national origin, political affiliation, race, religion, sex (including gender expression, gender identity, sexual orientation, and pregnancy) or veteran status. No employee shall be subjected to unsolicited and unwelcome sexual overtures or other conduct either verbal or physical. Workplace harassment does not include disagreements between employees unless one of the elements in the definition of "workplace harassment" is present. The Town will investigate all complaints of harassment whether the offender is an employee or a person not employed by the Town. All employees have the right to work in an environment free from harassment.

### 11.2 DEFINITION OF WORKPLACE HARASSMENT AND SEXUAL HARASSMENT

1. Work place harassment is defined as any unwelcome verbal, written or physical conduct that either denigrates or shows hostility or aversion towards a person on the basis of age, color, disability, genetic information (information about an individual and their family members' genetic tests and information about the manifestation of a disease or disorder), marital status, national origin, political affiliation, race, religion, sex (including gender expression, gender identity, sexual orientation, and pregnancy) or veteran status, and which results in one of the following: (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose of interfering with an employee's work performance; or (3) affects an employee's employment opportunities or compensation.
2. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and verbal, written or physical conduct of an unwelcome or hostile sexual nature between co-workers, between a supervisor and employee, or between members of the public and employees.

Sexual harassment in the workplace exists when:

- A. Submitting to conduct described in this definition is made implicitly or explicitly a condition of an employee's Town job;
  - B. The victim's decision to reject or accept sexual advances is later used as the basis for a Town employment decision, such as a promotion, raise, or assignment; or
  - C. Sexually harassing conduct has the purpose or effect of unreasonably interfering with the victim's work by creating an intimidating, hostile, or offensive Town working environment.
3. Examples of misconduct prohibited under this policy include, but are not limited to, the following:
- A. Unwanted touching and sexual advances.
  - B. Sexual comments of a provocative or suggestive nature.
  - C. Jokes or innuendoes of a sexual nature intended for and directed to another employee.
  - D. Sexually explicit objects, books, magazines, or photographs left where other employees will find them.
  - E. Unwelcome and sexually demeaning comments, ridicule, offensive language, propositions or other similar actions of a sexual nature.
  - F. Unwanted and unsolicited off-duty telephone calls, electronic mail, and other communications of a sexual nature.
  - G. Signed or anonymous notes or drawings of a sexual nature placed in desks or on bulletin boards.
  - H. Deliberately singling out an employee in front of co-workers and subjecting him or her to demeaning or derogatory remarks of a sexual nature.
  - I. Creating an intimidating, hostile or offensive work environment based on age, color, disability, genetic information, marital status, national origin, political affiliation, race, religion, sex (including gender expression, gender identity, sexual orientation, and pregnancy) or veteran status.
  - J. Demanding sexual favors in exchange for continued employment.
  - K. Jokes, demeaning comments, or written communications (including electronic) that are demeaning to an individual's age, color, disability,

genetic information, marital status, national origin, political affiliation, race, religion, sex (including gender expression, gender identity, sexual orientation, and pregnancy) or veteran status.

- L. Displaying websites, books, magazines, photographs or other objects that are demeaning to an individual's age, color, disability, genetic information, marital status, national origin, political affiliation, race, religion, sex (including gender expression, gender identity, sexual orientation, and pregnancy) or veteran status.
4. Actions prohibited by this policy will not be tolerated and employees engaging in such conduct will be subject to disciplinary action.

### **11.3 RESPONSIBILITIES**

Every employee is responsible for assisting in the prevention of harassment through the following means:

- 1. Employee's responsibilities
  - A. Refraining from participation in, or encouragement of, actions that could reasonably be perceived as harassment.
  - B. Reporting acts of harassment to a supervisor promptly.
  - D. Encouraging any employee who confides that he or she is being harassed to report the harassment to a supervisor.

Supervisors are held to a higher standard and every supervisor is responsible for preventing harassment through the following means:

- 2. Supervisor's responsibilities
  - A. Setting an example in abiding by this policy. Not having a dating, physical or romantic relationship with any employee under your supervision.
  - B. Monitoring the work environment for harassing activity.
  - C. Counseling all employees on what is prohibited behavior and on the procedures for reporting and resolving complaints and harassment.
  - D. Stopping any observed acts that may be considered a violation of this policy. Supervisor must intervene appropriately, whether or not the involved employees are within his/her line of supervision.

- E. Taking immediate action to limit contact between two employees where there has been a complaint of harassment that remains under investigation.
- F. Assisting any person who comes to him/her with a complaint of harassment.
- G. Supervisors shall inform the Human Resources Manager immediately of reported or suspected workplace harassment, **even if the alleged victim declines to complete a Workplace Harassment Complaint Form.**

A supervisor's failure to take action to stop known harassment is grounds for disciplinary action.

#### **11.4 REPORTING PROCEDURES**

1. Any Town employee who believes he or she is being subjected to actions prohibited by this policy is encouraged to speak with the perpetrator of the prohibited behavior, requesting that the actions stop immediately. If the employee is not comfortable taking this step or continues being subjected to the behavior after making the request, the employee is strongly encouraged to complete and deliver to the Human Resources Manager or the Town Manager the attached Workplace Harassment Complaint form. Additional complaint forms may be obtained from the Human Resources Manager or Town Manager. The Town will strive to keep confidential the identity of the complaining employee. However, the Town cannot guarantee the identity will remain confidential.
2. Any supervisor who receives a complaint of harassment, or who witnesses an incident of harassment, should encourage the victim to fill out a Workplace Harassment Complaint Form. Supervisors shall immediately inform the Human Resources Manager of reported workplace harassment, **even if the alleged victim declines to complete a Workplace Harassment Complaint Form.**
3. If the Human Resources Manager is either (A) the alleged harasser or (B) the alleged victim, the Workplace Harassment Complaint Form should be completed and forwarded to the Town Manager for action consistent with this policy. If the Town Manager is the alleged harasser, then the complaint form should be completed and forwarded to the Mayor for action consistent with this policy.

#### **11.5 DUTY TO INVESTIGATE AND TAKE CORRECTIVE ACTION**

1. The Human Resources Manager shall promptly investigate all complaints of unlawful harassment. The Town shall take remedial action to prevent any further harassment. Remedial measures may take the form of dismissal or other disciplinary action against any employee found to have unlawfully harassed the complainant.

The Town shall also take prompt and appropriate action in instances when an employee has been subjected to sexual harassment by a non-employee.

2. Failure by an employee to cooperate with a harassment investigation shall constitute a violation of this policy and subject him or her to disciplinary action. Additionally, supervisors may also be subjected to disciplinary action for failing to inform the Human Resources Manager or Town Manager about observed or reported incidents of unlawful harassment, regardless of whether the alleged victim completes an Unlawful Harassment Complaint Form.
3. The Town will not tolerate any form of retaliation against any employee who either complains of unlawful harassment or who supplies information to the Town regarding another employee's harassment allegations.

#### **11.6 POLICY REVIEW**

1. All supervisors of the Town shall review this policy with employees within thirty days of hire and on an annual or more frequent basis thereafter. Employees shall sign a form indicating that they understand and will abide by the policy.
2. Periodically the Town will conduct seminars or training sessions as part of its ongoing efforts to prevent sexual harassment.



**TOWN OF BLACKSBURG  
WORKPLACE HARASSMENT COMPLAINT FORM**

The Town of Blacksburg strictly enforces its policy against workplace harassment. All employees are encouraged to report harassment by filling out this form and submitting it to the Town's Human Resources Manager or Town Manager. The Town will strive to keep confidential the identity of the employee who fills out this form. However, the Town cannot guarantee the identity will remain confidential.

1. Please state your full name, address and telephone number.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

2. If you no longer are employed by the Town please provide the exact date you last worked for the Town and state whether you resigned or were terminated.

\_\_\_\_\_

3. Please identify by name and, if known, position of employment of all persons you believe have harassed you.

\_\_\_\_\_  
\_\_\_\_\_

3. Please describe in detail all workplace harassment to which you believe you have been subjected as a Town employee and specify the date(s) or approximate date(s) on which the harassment occurred. Please tell us exactly what the person(s) did or said to harass you. (Use additional sheets if necessary.)

\_\_\_\_\_  
\_\_\_\_\_

4. Please provide the names and, if known, addresses and telephone numbers of everyone who either witnessed the harassment or has information about any of the events you describe above.

\_\_\_\_\_  
\_\_\_\_\_

Please sign and deliver or mail this form to either the Human Resources Manager or Town Manager at the following address:

Town of Blacksburg  
300 South Main Street; P. O. Box 90003  
Blacksburg, VA 24062

You may call the Human Resources Manager or the Town Manager at (540)961-1188 if you have any questions or need any assistance in completing this form.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date