OFFICE OF THE MAYOR
City of Middletown
CONNECTICUT 06457

Daniel T. Drew
MAYOR

SEXUAL AND OTHER HARASSMENT POLICY STATEMENT

The City of Middletown is committed to providing a work environment where all people are treated with respect and dignity. All employees are expected to participate in this effort. Federal and state law, including Title VII of the 1964 Civil Rights Act, 42 U.S.C. §2000e-2(a)(1), and the Connecticut General Statutes §46a-60 et seq.,(8) prohibit various forms of discrimination and illegal harassment in employment and the workplace. Harassment, including sexual harassment, is prohibited based on all protected classes including age, ancestry, color, genetic information, learning disability, marital status, past or present history of mental disability, intellectual disability, national origin, physical disability, including, but not limited to blindness, race, religious creed, sex, including pregnancy, transgender status, gender identity or expression, sexual orientation, political belief, military or veteran status, or criminal record. It is also a violation of City policy for any supervisor or employee, male or female, to engage in the acts or behavior defined below. Sexual Harassment is a type of sex discrimination. Harassment and Sexual Harassment are illegal.

The City shall not tolerate discrimination or harassment on the basis of a protected class by anyone. Employees, managers, and non-supervisors as well as vendors, clients, and customers, alike are expected to comply with this policy and take appropriate measures to ensure that such conduct does not occur either within the workplace, at assignments outside the workplace, at City-sponsored events or elsewhere. Appropriate disciplinary action will be taken against any employee who violates this policy.

Harassment is defined as unwelcome conduct, whether verbal, physical, written, or graphic that is based upon a person's inclusion in a protected class. The City will not tolerate harassing or bullying conduct that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive working environment. Offensive behavior includes but is not limited to verbal taunting, i.e. racial and ethnic slurs, which in the opinion of the employee impairs his/her ability to perform the job.

Sexual Harassment is defined as: "any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment." Sexual Harassment refers to behavior that is unwelcome, is personally offensive, that lowers morale and therefore interferes with work effectiveness. It does not refer to an occasional socially acceptable compliment.

Examples of Sexual Harassment conduct include, but are not limited to the following: a) verbal conduct such as sexual innuendoes, jokes of a sexual nature, suggestive or offensive comments, lewd remarks, and sexual propositions, b) non-verbal conduct such as derogatory or pornographic displays, cartoons or drawings, sexual gestures, or leers or stares, c) physical conducts such as touching, kissing, patting, brushing up against someone, or assault. Such conduct generally is repetitious and persistent in nature towards another person.

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Reporting Procedures:

The City of Middletown takes all complaints and reports of harassment or bullying seriously. If an employee believes that he or she is being harassed or bullied because of his or her protected class, he or she should report the conduct immediately or within 48 hours to his or her immediate supervisor or the next level of management above his or her immediate supervisor, and notify Faith M. Jackson, Director of Equal Opportunity and Diversity Management, at 860.638.4830 or to the Mayor's designee in her absence so that the office may evaluate, and advise the department head or supervisor on the appropriate action. Department heads and supervisors are to promptly look into or conduct an internal investigation into a complaint or incident unless such incident involves the department head or supervisor thus requiring the investigation to be conducted by the City's Director of Equal Opportunity and Diversity Management. Department heads or supervisors are to document the outcome of the complaint or incident, which must be submitted to the Office of Equal Opportunity and Diversity Management for record. Failure of a department head or supervisor to report complaints or violations within a reasonable time such as 48 hours could result in disciplinary action and/or possible termination.

Complaints may be made in person or in writing. For clarity, all complaints should be reported in writing under oath. A sworn affidavit complaint form may be obtained from the Office of Equal Opportunity and Diversity Management. Complaints made in person or given verbally directly to the Director of Equal Opportunity and Diversity Management or to the Mayor's designee in her absence will be committed to writing, which must be signed by the complainant, preferably before an investigation is conducted. The employee's department head or supervisor will be notified when a complaint is submitted to the Director of Equal Opportunity and Diversity Management or to the Mayor's designee in her absence. At the discretion of the Mayor, serious forms of harassment that could result in termination or a substantial suspension of more than fifteen (15) days may be referred to an independent outside investigator hired by the City.

The employee suspected of violating this policy may be placed immediately on Administrative Leave pending the result of an investigation. Reported incidents are to be investigated within ninety days of filing, except that an extension beyond the 90 days may be extended by the Mayor as needed. Any reported incidents will be kept as confidential as possible except where there is a legitimate matter of public concern. The City will not tolerate any retaliation against any employee who files a complaint or participates as a witness. If a complaint is found to have merit, the employee shall be subject to discipline beginning with suspension up to and including termination. Any employee found to have knowingly or maliciously filed a false claim of violation pursuant to this policy may be subject to disciplinary actions.

It is not the City's intention to regulate social relationships that are freely entered into by employees. However, it is our duty to develop and maintain a workplace free of harassment, sexual harassment, and intimidation. The Office of Equal Opportunity and Diversity Management is responsible for the implementation of this policy. This policy shall be posted and distributed annually to all employees of the City of Middletown.

DANIEL T. DREW, MAYOR

6/29/2

Date Approved