

Town of Lamoine sex harassment policy

- I. **BACKGROUND.** Harassment on the basis of a person's sex by a supervisor, co-worker or other person is a discriminatory practice which violates Title VII of the Civil Rights Act of 1964 and regulations passed by the United States Equal Employment Opportunity Commission. Aside from being illegal, sexual harassment undermines the integrity of individual work relationships and damages the morale of the entire work force.
- II. **POLICY.** It is the policy of the Town of Lamoine that all employees are entitled to work in an environment free from all forms of illegal discrimination including that which is based upon a person's sex. Accordingly, any practice or activity which constitutes sexual harassment is strictly forbidden within Town work places and shall, if substantiated in accordance with this policy, result in disciplinary action.
- III. **PROHIBITED CONDUCT.**
 - A. Definition. Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
 1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment; or
 2. Submission to or rejection of such conduct by a person is used as a basis for employment decisions affecting that person; or
 3. Such conduct has the purpose or effect of unreasonably interfering with a person's work performance; or
 4. Such conduct creates an intimidating, hostile or offensive work environment.
 - B. Sanctions. Sexual harassment is a serious violation of the work rules of the Town of Lamoine and, if proven, shall be grounds for the imposition of discipline. Potential sanctions for the offense shall range from a minimum of a five (5) day suspension without pay to a termination, depending upon the following
 1. The individual facts of any given case; and
 2. The employment record of the person committing such harassment.
- IV. **EMPLOYEE RIGHTS.** Any employee who believes that another employee is engaging in sexual harassment may file a complaint within a reasonable period of time after the event (normally not more than 180 days).
- V. **RETALIATION PROHIBITED.** No person filing a complaint under this policy or who legitimately assists another in the prosecution of any such complaint shall be subjected to retribution or retaliation of any kind for doing so. False claims, however are excepted in section IX.

VI. FILING COMPLAINTS.

- A. Filing of Complaints. All complaints of sexual harassment shall be filed with either an immediate supervisor or chairman of the appropriate board or department, the Town Administrator, or the Board of Selectmen.
- B. Investigation.
 - 1. Complaints filed under this policy shall be promptly and thoroughly investigated by the Board of Selectmen or their designee (normally the Town Administrator). In the case where the Town Administrator cannot investigate, Selectmen shall assign the investigation to another employee.
 - 2. Upon completion of the investigation, the Administrator (or other investigator) shall prepare a comprehensive report addressing all allegations in the complaint, and objectively documenting all relevant factual findings of the investigation. The investigatory report shall contain neither conclusions concerning the complaint, nor recommendations as to the disposition.
 - 3. The investigative report shall be presented to the Board of Selectmen upon completion within fifteen (15) days after receipt of the complaint. This time requirement may be extended by the Board of Selectmen in writing, upon request of the Administrator or other investigator, and good cause shown for such an extension.

VII. ADJUDICATION.

- A. All complaints of Sexual Harassment shall be adjudicated by the Board of Selectmen.
- B. Upon receipt of the completed investigative report, the Board of Selectmen shall conduct an administrative hearing at which the report shall be presented and considered. Hearings shall be conducted before a court reporter empowered to take testimony under oath. The court reporter shall require all witnesses to provide testimony under oath and shall prepare a verbatim transcription/recording of the proceedings which shall serve as the official record of the hearing. Cost for the court reporter's fees shall be borne by the accused employee, if the Board of Selectmen finds disciplinary action is warranted. If the accusation ultimately proves false, the complainant shall bear the cost of the court reporter's fees.
- C. The accused employee shall be notified, in writing, at least ten (10) days before the hearing of the complaint and the underlying allegations. The accused employee may request one (1) postponement of the hearing upon receipt of the notice in order to obtain legal counsel, however, the delay occasioned by such request shall not exceed thirty (30) days from the date of receipt of the notice by the accused employee.
- D. The accused employee shall be entitled to attend the hearing and testify in his or her own behalf, and shall be entitled to confront and cross-examine the employee who filed the complaint. In the event that the complainant elects not to attend the administrative hearing and upon objection from the accused to the complainant's absence, the complaint shall be dismissed and the accused be deemed innocent of the allegations.

- E. The accused employee shall be entitled to call witnesses in his or her own behalf and to introduce evidence which bears upon the issues presented by the complaint and investigative report.
- F. At the conclusion of the hearing, or within five (5) days thereafter, the Board of Selectmen shall make findings concerning the innocence or guilty of the accused of the offense of sexual harassment.
- G. A finding of guilty must be supported by substantial, credible evidence that;
 - 1. The facts alleged by the complainant occurred and are true; and
 - 2. Those facts constitute sexual harassment within the meaning of this policy; and
 - 3. The accused is the person who committed the acts amounting to sexual harassment.

VIII. RESPONSIBILITY.

- A. Supervisors/Board Chairpersons. Each supervisor or board chairperson has a responsibility to maintain the workplace free of sexual harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading, or exploitative sexual treatment.
- B. Town Administrator. It is the responsibility of the Town Administrator to:
 - 1. Provide information to supervisors & board chairmen regarding this policy specifically, and sexual harassment generally; the gravity of such behavior; and the procedure to be employed in the event a complaint of sexual harassment is made or conduct amounting to sexual harassment is observed.
 - 2. Provide necessary training to managers and supervisors in order to reduce the likelihood of sexual harassment in the work place.

IX. FALSE ACCUSATIONS. Due to the serious and private nature of this offense, false accusations of sexual harassment are, and will be treated as, a disciplinary offense and will result in the same level of punishment as that applied to one who engages in such behavior.

X. AUTHORIZATION. The Lamoine Board of Selectmen, being the body elected by the Lamoine Town Meeting to administer policy on behalf of the Town Meeting assumes authorization to impose this policy.

Ordered this 8th day of December, 1993

/s/ Nathan Anderson, chairman

/s/ Arthur Alley, selectman

/s/ Richard Davis, selectman