

## Sexual Harassment Policy

**Lines of Business:** General Liability, Public Officials Liability

**Risk Control Strategy/Key Issues:** To establish, document and maintain a program to control sexual harassment exposures

### Suggested Program Elements:

- 1. Policy statement by management must have:**
  - Legal review
  - Definitions of harassment
  - Student on student harassment response procedures
  - Staff vs. staff response procedures
  - Management vs. staff response procedures
- 2. Management and supervisory duties should include:**
  - Policy enforcement
  - Auditing investigation elements
  - Policy compliance rated during annual employee review
- 3. Reporting procedures:**
  - Must be communicated to all staff
  - Schools must communicate to all students
  - No reprisals for reporting
  - All reports documented
  - All reporting confidential
  - Multiple reporting lines must be established
- 4. Response team established:**
  - Investigates allegations
  - Works with complaining party(s)
  - Female and male team members
- 5. Discipline procedures:**
  - Clear and concise
  - Measured responses to incidents
  - Procedures communicated
  - Human resources or legal review prior to action
- 6. Policy posting:**
  - In area with high visibility
  - Re-post annually

**7. Investigate all allegations:**

- Interview both parties independently
- Keep information confidential
- Establish a factual time line for occurrences
- Dates of occurrence
- Times of incidents
- Any witnesses to occurrence
- Maintain notes on all conversations date
- Have the party interviewed sign the notes
- Interviewer must sign and date the statement
- Interview any witnesses that may be identified following the initial interviews
- Determine severity, frequency and pervasiveness of the conduct
- Legal counsel involved from first notification of an incident
- Record keeping procedure
  - ✓ Kept in a separate locked location
  - ✓ Kept confidential

**8. Annual training:**

- Reinforcing the organization's position
- Outline the types of unacceptable behavior
- Review reporting procedures
- Review disciplinary procedures

**Program Activities Calendar:**

- Annual Audits
- Annual Training first quarter of Fiscal Year or School Year
- Annual records compliance review

**Web Site Links:**

- U.S. Equal Employment Opportunity Commission  
<http://www.eeoc.gov>

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## **SAMPLE NON-HARASSMENT POLICY**

### **[BLANK CITY] NON-HARASSMENT POLICY**

The City of BLANK, USA (the City) is committed to providing a professional work environment that maintains employee equality, dignity, and respect. In keeping with this commitment, the City strictly forbids discriminatory practices, including sexual harassment and other forms of harassment, as defined in this Policy. Any harassment prohibited by this Policy, whether verbal, physical or environmental, is unacceptable and will not be tolerated, whether it occurs in the workplace or at outside work-sponsored activities.

#### **Harassment Defined.**

The City prohibits any verbal, physical or visual conduct which could offend, intimidate or create a hostile working environment for any individual on the basis of race, color, religion, national origin, gender, age, disability or any other characteristics protected by federal, state or local law. The City also specifically prohibits sexual harassment, which is defined in this Policy as sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

The conduct prohibited by the preceding paragraph will not be tolerated under any circumstances, including cases where the conduct is unwelcome, and/or:

1. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual;
3. The conduct has the purpose or effect of unreasonably interfering with the individual's performance or of creating an intimidating, hostile or offensive working environment.

The types of behaviors that may constitute prohibited harassment include, but are not limited to: derogatory, vulgar, or graphic written or oral statements or jokes regarding race, color, religion, national origin, disability, gender, sexuality, sexual experience or any other characteristics protected by federal, state or local law; unnecessary touching or physical assault; sexual compliments, flirtations, advances, propositions, innuendoes, suggestions or jokes; or the display of offensive or sexually suggestive pictures or objects.

This Policy applies to all of the City's employees, managers, supervisors and other staff, whether related to conduct engaged in or by fellow employees, supervisors, or someone who is not directly related to the City, such as a vendor, consultant, client, customer, or other City contact.

#### **Responsibility**

It shall be the joint responsibility of managers, supervisors and Human Resources to ensure adherence to this Policy. Human Resources will assist in the coordination and the implementation of this Policy. All supervisors and managers have the duty of ensuring that no individual or employee is subjected to sexual harassment or any other form of unlawful harassment, and of maintaining a workplace free of such harassment. Supervisors and managers shall discuss this Policy with employees and assure them that they are not required to endure any form of unlawful harassment.

## **Complaint Procedure**

Employees must report any perceived incidents of harassment, regardless of the position of the alleged offender. Any employee who has a harassment complaint against a supervisor, coworker, visitor, customer or other person, must bring the problem to the employer's attention.

If you believe that you have been harassed, you should immediately report the incident to the Human Resources Manager or \_\_\_\_\_ (City should designate some other person(s) to receive the complaint such as the City Clerk or City Manager). If you are uncomfortable with reporting the harassment to this person or if you believe that your complaint was not properly addressed, you should report the incident to: (1) The City Manager; or (2) \_\_\_\_\_ (City should designate another City representative or elected official, such as the Mayor, to receive complaints).

Any complaint will be thoroughly investigated in a professional manner. Employees will be notified of a decision or of the status of the investigation as soon as possible. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven.

There will also be no discrimination or retaliation against any other individual who participates in the investigation of a harassment complaint. If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action (up to discharge) will be pursued. Actions taken internally to investigate and resolve harassment complaints will be conducted confidentially to the extent practicable and appropriate, and consistent with the STATE Open Records Act, in order to protect the privacy of persons involved.

## **General Provisions**

A. If a harassment complaint is directed against the Human Resources Manager or the City Manager, the functions assigned to that (those) person(s) by these procedures will be transferred to a superior as designated by senior City management.

B. Retaliatory action of any kind taken as a result of any individual or any employee seeking redress under these procedures is prohibited, and shall be regarded as a separate and distinct cause for complaint and discipline under these procedures.

A summary of this Policy should be conspicuously posted at all sites. The City reserves the right to interpret, apply, amend or revoke this Policy at any time.

It is the policy of the City, to comply with the letter and the spirit of applicable federal, state and local laws concerning equal employment opportunities. In keeping with this commitment, the City strictly enforces a Non-Harassment Policy which prohibits sexual harassment and other forms of harassment as defined in the Policy.

The City's Policy prohibits any verbal, physical or visual conduct which could offend, intimidate or create a hostile working environment for any individual on the basis of race, color, religion, national origin, gender, age, disability or any other characteristics protected by federal, state or local law. The City also specifically prohibits sexual harassment, which includes any sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature.

This Policy applies to all the City's employees, managers, supervisors and other staff, whether related to conduct engaged in by fellow employees, supervisors, or someone who is not directly related to the City, such as a vendor, consultant, client, customer, or other City contact. All supervisors and managers have an affirmative obligation to maintain a workplace free of unlawful harassment.



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If you experience any harassment, you should immediately report the incident to the Human Resources Manager. If you are uncomfortable with reporting the harassment to one of these individuals or if you believe that your complaint was not properly addressed, you should report the incident to the City Manager.

Your complaint will be taken seriously and investigated promptly. Appropriate action, up to and including termination, will be taken against individuals who violate this Policy. The City prohibits any form of retaliation against any employee for filing a complaint in good faith pursuant to the Policy, or for participating in good faith in an investigation.

This notice is a summary of the City's Non-Harassment Policy, a copy of which has been provided to all employees. If you do not have a copy of the Policy, or if you have questions regarding this Policy, please contact Human Resources.

BLANK City, USA

By: \_\_\_\_\_