OFFICE OF THE MAYOR
City of Middletown
CONNECTICUT 06457

Benjamin D. Florsheim
MAYOR

SEXUAL HARASSMENT POLICY STATEMENT

PURPOSE:

It is the policy of the City of Middletown that sexual harassment in the workplace is prohibited, illegal, and will not be tolerated. 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. All employees, managers, and non-supervisors as well as vendors, clients, and customers, alike must comply with this policy and are expected to avoid any behavior or conduct that could be interpreted as sexual harassment. In addition, employees and the like are responsible for ensuring that such conduct does not occur either within the workplace, at assignments outside the workplace, or at City-sponsored events. Appropriate disciplinary action, up to and including termination, will be taken against any employee who violates this policy. Sexual harassment is illegal and prohibited.

DEFINITION:

Sexual Harassment is defined in Connecticut Statutes §46a-60(a)(8) as any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature. It is illegal and improper if:

(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 debilitates morale, and therefore interferes with work effectiveness. Thus, no employee or anyone should be subjected to unsolicited and unwelcomed sexual overtures or conduct, either verbal or physical, or be led to believe that an employment opportunity or benefit will in any way depend upon "cooperation" of a sexual nature.

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Sexual harassment may include such conduct, but is not limited to the following: a) verbal conduct such as sexual innuendoes, "kidding," "teasing," jokes of a sexual nature, suggestive or offensive comments, lewd remarks, continued or repeated verbal abuse of sexual nature and sexual propositions, b) non-verbal conduct such as derogatory or pornographic displays, cartoons or drawings, sexual gestures, repeated offensive sexual flirtations, or leers or stares, c) physical conducts such as touching, kissing, patting, pinching, brushing up against someone, demands for sexual favors, assault, or retaliation for complaining about sexual harassment. Sexual harassment conduct generally is repetitious and persistent in nature towards another person. Sexual harassment does not refer to the occasional, socially acceptable compliment.

REPORTING SEXUAL HARASSMENT:

The City of Middletown considers all sexual harassment complaints a serious matter. If an employee believes that he or she has been the victim of sexual harassment, he or she should report the conduct immediately or within 48 hours to his or her supervisor or 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 the Mayor's designee in her absence so that the appropriate action can be taken. 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. If the complaint is found to have merit, corrective disciplinary action and/or corrective action will be implemented. If the complaint is found to be without merit, all involved parties will be so notified. Failure of a department head or supervisor to report complaints or violations to the Director of Equal Opportunity and Diversity Management and or designee within a reasonable time such as 48 hours could result in disciplinary action, including but not limited to termination.

Complaints may be made in person or in writing. For clarity, all complaints should be reported in writing and signed. 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 sexual harassment that could result in termination or a substantial suspension of more than 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 90 days of filing, except that an extension beyond the 90 days may be extended by the mayor as needed. To the extent permissible by law, 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 in good faith and or participates as a witness and may subject an offending employee to disciplinary action, up to and including termination of employment. If a complaint is found to have merit, the employee may face discipline, up to an including termination. However, the City also recognizes that false accusations of sexual harassment or their unlawful conduct can be damaging to an accused employee or person and disruptive to the department operations; knowingly making false accusations may constitute misconduct for which disciplinary action may be imposed.

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 sexual harassment. 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.

BENJAMIN D. FLORSHEIM, MAYOR

6/2/20
Date Approved