

CITY OF NEWTON SEXUAL AND RACIAL HARASSMENT POLICY

PURPOSE

Sexual or racial harassment, either physical or verbal, is a violation of the law and of city policy. The intent of this policy is to clarify the City of Newton's position in matters relating to compliance, discovery and remedy.

SEXUAL HARASSMENT POLICY

It is the intent of the City of Newton to maintain a work place free of sexual harassment from any source. This policy affirms the City's refusal to tolerate sexual harassment; informs managers and supervisors and other employees of performance expectations, guidelines and possible penalties related to sexual harassment; and provides procedures for employees to follow who believe that have been harassed.

DEFINITIONS

Sexual harassment is defined as unsolicited and unwelcome sexual advances or unsolicited and unwelcomed requests for sexual favors, or other unsolicited, unwelcome verbal or physical conduct of a sexual nature, when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual or
- c. Such conduct has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile or offensive work environment.

The definition of sexual harassment includes conduct directed by men toward women and conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women.

Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity to physical assault. Some examples are unsolicited and unwelcome conduct in the form of pinching, grabbing, patting, propositioning; making either explicit or implied job threats or promises in return for submission to sexual favors; making sex-oriented comments on appearance, including dress or physical features; telling sexually explicit stories; displaying sexually explicit or pornographic material, no matter how it is displayed; or sexual assaults on the job by supervisors, fellow employees, or others.

When response to any of the foregoing conduct influences employment decisions or makes the job environment hostile, or unreasonably interferes with work performance, this policy has been violated.

COVERAGE AND DISTRIBUTION OF POLICY

This sexual harassment policy applies to all officials and employees of the City of Newton, including, but not limited to, full and part-time employees, elected officials, permanent and temporary employees, employees covered or exempted from personnel rules or regulations, and employees working under contract for the city.

This policy will be distributed to all employees of the city. Every employee will be required to acknowledge his or her receipt of this policy in writing. A copy of that acknowledgment shall be kept in the permanent personnel jacket. Department heads and supervisors shall also be responsible for insuring that all employees under their direction are familiar with this policy.

MAKING SEXUAL HARASSMENT COMPLAINTS

As with any job related complaint, the City encourages following the chain of command where possible. However, due to the personal nature of sexual harassment and the City's strong opposition to sexual harassment, any employee who feels he or she is being subject to sexual harassment can complain to any one of the persons below, orally or in writing:

1. The employee's immediate supervisor.
2. The employee's department head.
3. The City's personnel office.
4. The City Manager
5. The City Attorney

Regardless of which of the above persons the employee makes a complaint of sexual harassment to, the employee should be prepared to provide the following information:

1. Employee's name, department and position title.
2. The name of the person or persons committing the sexual harassment, including their title/s, if known.
3. The specific nature of the sexual harassment, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against you as a result of the harassment, or any other threats made against you as a result of the harassment.
4. Witnesses to the harassment.

5. Whether you have previously reported such harassment and, if so, when and to whom.

If you so desire, you may use the sample reporting form attached.

REPORTING AND INVESTIGATION OF SEXUAL HARASSMENT COMPLAINTS

Against an Employee, Including the City Manager

The city manager is the person designated by the city to be the investigator of complaints of sexual harassment. The city manager may delegate the investigation to another city employee at his discretion. In the event the sexual harassment complaint is against the city manager, the investigator shall be a municipal employee appointed by the city attorney.

When an allegation of sexual harassment is made by any employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the city manager, or in the event the sexual harassment complaint is against the city manager, to the city attorney.

The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of sexual harassment, witnesses interviewed during the investigation, the person against whom the complaint of sexual harassment was made, and any other person contacted by the investigator in connection with the investigation. The notes shall be made at the time the verbal interview is in progress. The sample investigation report form attached may be used.

Based upon the report the city manager shall, within a reasonable time, determine whether the conduct of the person against whom a complaint of sexual harassment has been made constitutes sexual harassment. In making that determination, the city manager shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred, and the conduct of the person complaining of sexual harassment. The determination of whether sexual harassment occurred will be made on a case-by-case basis.

If the city manager determines that the complaint of sexual harassment is founded, he shall take immediate and appropriate disciplinary action against the employee guilty of sexual harassment, consistent with his authority under the municipal charter, ordinances, rules or regulation pertaining to employee discipline.

The disciplinary action shall be consistent with the nature and severity of the offense, the rank of the employee, and any other factors the city manager believes relate to fair and efficient administration of the city, including, but not limited to, the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the city. The disciplinary action may include demotion, suspension, dismissal, warning or reprimand. A determination of the level of disciplinary action shall also be made on a case-by-case basis.

A written record of disciplinary action taken shall be kept, including verbal reprimands.

In all events, an employee found guilty of sexual harassment shall be warned not to retaliate in any way against the person making the complaint of sexual harassment, witnesses or any other person connected with the investigation of the complaint of sexual harassment.

Against The City Manager

Upon receipt of a report on the investigation of a complaint of sexual harassment against the city manager, the city attorney shall present the report to the Board of Aldermen. If the Board of Aldermen determines that the complaint of sexual harassment is founded, it may discipline the city manager consistent with its authority under the municipal charter, ordinances, resolutions or rules governing discipline of the city manager.

Against An Elected Official

The Board of Aldermen may discipline an elected official in whatever manner it deems appropriate, consistent with its authority under state law, the municipal charter, ordinances, resolutions or other rules governing discipline of elected officials.

Sexual Harassment Committed by Non-employees

In cases of sexual harassment committed by a non-employee against a city employee in the work place, the city manager shall take all lawful steps to insure that the sexual harassment is brought to an immediate end.

OBLIGATION OF EMPLOYEES

Employees are not only encouraged to report instances of sexual harassment, they are obligated to report instances of sexual harassment. Sexual harassment exposes the city to liability, and a part of each employee's job is to reduce the city's exposure to liability.

Employees are obligated to cooperate in every investigation of sexual harassment, including, but not limited to: coming forward with evidence, whether favorable or

unfavorable to a person accused of sexual harassment, and fully and truthfully answering questions during the course of an investigation of sexual harassment.

CONFIDENTIALITY

All personnel shall maintain confidentiality about complaints in order to protect the parties involved, and information shall not be shared with anyone other than those involved in the investigation. All records placed in the personnel file are protected by the guidelines established in Section 160A-168 of the General Statutes of North Carolina.

RACIAL HARASSMENT POLICY

This statement of policy sets forth the policy of the City of Newton (“the City”) prohibiting racial harassment in the workplace. This policy is effective immediately and applies to all of the City’s employees.

DEFINITIONS

Racial Harassment is defined as unwelcome racial comments; use of racial slurs; racial jokes; racially derogatory descriptions of an employee or that employee’s family members, friends, or other persons with whom he or she associates; and other verbal or physical conduct of a racial nature when:

- (1) tolerating such conduct and/or comments 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 such individual; or
- (3) such conduct has the purpose or effect of interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

Whether alleged conduct constitutes racial harassment is determined on a case by case basis and depends on the totality of the circumstances including the context in which the conduct occurred and the frequency and severity of the conduct. A single incident, if sufficiently severe may constitute racial harassment.

Attached to this statement of policy is a list of examples of conduct or behavior that may constitute racial harassment if they satisfy the above definition.

COVERAGE AND DISTRIBUTION OF POLICY

Racial harassment in the workplace is illegal and will not be tolerated by the City of Newton. In addition, retaliation against any person who opposes what he or she reasonably believes to be racial harassment, or who cooperates in the investigation of a complaint of racial harassment, is also illegal and will not be tolerated by the City of Newton.

The City Manager, the City Council, its officials, agents and representatives, in recognition of their duty to combat racial harassment in the workplace, are committed to the vigorous enforcement of this policy. Employees who engage in conduct in violation of this policy shall be subject to discipline up to and including dismissal.

Employees are encouraged to bring complaints of racial harassment to the City's attention. A complaint of racial harassment may be brought to the attention of any supervisor or administrator. If the employee contends that the supervisor committed, participated, or allowed the alleged harassment, then the employee may bring a racial harassment complaint directly to the attention of the City Manager. Complaints of racial harassment will be promptly investigated and decisions will be issued within thirty (30) days unless exceptional circumstances exist.

The performance evaluations of all City employees shall take into account compliance with this policy. In addition, when deciding whether an employee should receive a promotion, award, or other performance-related benefit, the City shall take into account the compliance of the employee with this policy.

Furthermore, Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq. ("Title VII"), prohibits discrimination in employment on the basis of race, sex, national origin, and religion. It also is unlawful under the Act for an employer to take retaliatory action against any individual for opposing employment practices that the individual reasonably believes are prohibited by Title VII or for filing discrimination charges against the employer or assisting in the investigation of such charges. Congress has designated the Equal Employment Opportunity Commission ("EEOC") as the federal agency responsible for investigating individual charges of discrimination under Title VII. If an employee believes he or she has been discriminated against in violation of Title VII, that employee may contact the nearest EEOC office to find out whether he or she is eligible to file a charge. That office is located at:

Equal Employment Opportunity Commission
Charlotte District Office
129 West Trade Street, Suite 400
Charlotte, NC 28202
Telephone: (704) 344-6682

Verbal Expressions That May Constitute Racial Harassment

- Use of racial slurs that others may find offensive such as:
 - “Nigger,” “coon,” “spade,” “spook,” “Sambo,” “Jemima,” or “slave” to refer to black persons;
 - “Spic” or “wetback” to refer to Hispanic persons;
 - “Cracker” or “white trash” to refer to white persons;
 - “Chink,” or “slant-eyes” to refer to Asian persons;
 - “Half-breed” to refer to persons of mixed racial ancestry;
- Unwelcome reference to an adult employee as a “boy” or “girl;”
- Racial jokes or stories;
- Derogatory comments about a person’s racial ancestry or the racial ancestry of his family members or those with whom he or she chooses to associate;
- Race-specific, derogatory comments about a person’s skin color, hair texture, facial features or other physical characteristics;
- Stating that a person must perform certain assignments because of that person’s race or racial characteristics;
- Stating that a person may not perform certain assignments because he or she belongs to a particular racial group;
- Obscene, lewd or sexually explicit comments, jokes or suggestions concerning or focusing on the sexuality or supposed sexual characteristics of a particular racial group.

Conduct That May Constitute Racial Harassment

- Displaying racially derogatory pictures, cartoons, caricatures, or slogans on City property;
- Displaying or distributing pamphlets or other printed materials on City property if those materials declare the supremacy or superiority of a particular racial group or specify that any race is inferior to any other;
- Drawing or writing racial slurs or graffiti of a racial nature on City property;

- Refusing to work with an employee because of that employee's race or the race of a person with whom the employee associates;
- Sabotaging or interfering with an employee's work because of that employee's race or the race of a person with whom the employee associates;
- Hiding, destroying or otherwise tampering with an employee's work equipment because of that employee's race or the race of a person with whom the employee associates;
- Making false reports about an employee's work performance because of that employee's race or the race of a person with whom the employee associates;
- Stranding or abandoning a fellow employee on the job because of that employee's race or the race of a person with whom the employee associates.

HARASSMENT
EMPLOYEE COMPLAINT FORM

Name _____ Job Title: _____
Department: _____

STATEMENT OF COMPLAINT

Name(s) of Person(s) Accused of Wrong Doings (Include title, if known)

Name(s) of Witnesses:

Description of Incident. State the specific nature of the harassment, how long it has gone on, and any employee action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against you. Describe any other threats made against you.

Have you previously reported such harassment and, if so, when and to whom:

Employee Signature: _____

Date: _____ Time: _____ A.M./P.M.

Complaint submitted to: (check one)

Immediate Supervisor Dept. Head Personnel Office City Manager City Atty Other

Signature of persons receiving complaint: _____

Date: _____

A Guide for
Identifying and Preventing
Sexual Harassment
In the Workplace

City of Newton
North Carolina

Dear Fellow Employees:

The subject of sexual harassment continues to be widely discussed by the mass communication media. It is often a misunderstood, difficult, and uncomfortable issue for supervisors and employees alike. As a result, discussion of it is often greeted with smiles and jokes. This is, however, a very serious subject. The statutory law is in place and legal precedent is developing in the area, which clearly spells out the responsibilities - and potential liabilities- of companies and supervisors alike.

The policy of the City of Newton has always been that all of our employees should be able to enjoy a work atmosphere free from any form of discrimination, including sexual harassment. Even aside from the legal risks, the type of conduct that constitutes sexual harassment is unacceptable and inexcusable in any environment involving the interrelationship of human beings.

Attached is a guide clarifying the City's position on this issue. Please take the time to read it carefully. This is not a document intended to satisfy the law and be put aside and forgotten; it is a statement of firm policy that will be enforced. The policy, however, is not enough. It must be pro-actively supported by all of us. The guidelines and training are provided as tools for you to do so.

Sincerely,

Teresa B. Laffon
Human Resources Director

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I. Discussion

What is Sexual Harassment?

Sexual harassment is a complex problem in the workplace that is difficult to define. Contributing to the difficulty of defining sexual harassment as a form of prohibitive sex discrimination in employment is a wide range of behaviors associated with it. Sexual harassment may take the form of overt actions against the victim, to the more subtle forms which are more difficult to perceive and define. The key element in defining sexual harassment is that regardless of the form of behavior it takes, it is unwelcomed by the victim.

Sexual harassment behavior ranges from physical contact, to verbal abuse, visual signals or messages. The more subtle forms of harassment usually are in the form of remarks about an employee's clothing, body features, or sexual activities. An escalating form of behavior is unwanted physical contact, such as touching, patting, pinching or purposely brushing against the employee's body. The more blatant forms of sexual harassment are more obvious to detect. These are usually accompanied, either explicitly or implicitly with some term or condition of employment or a retaliation measure if the employee does not comply. It may also be the more hostile behavior such as sexual assault and even rape.

Sexual harassment may be practiced by women and men. Historically, as numerous surveys and case law point out, most of the violations occur by male employees against female employees. Common elements of all definitions of sexual harassment is behavior which is:

- unwanted, uninvited, or unwelcomed
- coercive
- abusive
- objectionable or offensive

Who are the sexual harassers?

Most surveys done on the topic and recent case law indicates that most sexual harassment complaints are brought by women against men. It should be clear that sexual harassment is discrimination based on sex regardless of whether it is a man against a woman or a woman against a man. There are no sexual harasser stereo-types. They cut across all class lines and come in all races, ages, shapes, sizes and personalities. They may be one time offenders or what have been called "relentless repeaters." The following are some statements which help describe who are sexual harassers:

- Most employees are sexually harassed by persons of the opposite sex.
- Most harassers act alone, rather than in concert with another person.
- Most harassers of women are older than their victims, and most harassers of men are younger.
- Many harassers have been reported to have bothered more than one person at work.
- Most harassers are supervisors of their victims, or exercise some other form of authority or power. There may be situations where a peer or subordinate person in the organization may harass another.
- Most harassers work within the same work unit as the victim. There may be situations where the harasser works in a different unit in the organization.
- Most harassers are employees of the organizations in which the victim works. However, harassers may also be visitors to the organization, such as , its agents, delivery people, and people conducting other official or non-official business at the organization.

Sexual harassment in the workplace has occurred as long as men and women have worked together. Obviously it is a situation which typically occurs in a work environment in which both men and women work side by side. It must be kept in mind that sexual harassment is behavior having to do with the abuse of power, and

not a behavior which is genuinely concerned with sex. In recent years, women have continued to enter the workplace both in terms of their numbers in the labor force and also into non-traditional (and higher level) positions within organizations. This fact alone contributes to the increasing incidents of non-reported and reported sexual harassment. With the mixing of the sexes, sexuality has entered the contemporary work place. When sexuality is combined with a defined working relationship, the opportunity for conflict is bound to occur.

Perception is a key factor contributing to the complexity of the sexual harassment problem. Some employees may believe they have been harassed, when in fact they have not been. On the other hand, harassers may not realize they are committing acts of sexual harassment. The problem of perception raises a number of provocative questions about interpretations concerning sexual harassment which depend upon how the individuals involved view the situation in question.

Sexual harassment case law has established that the existence of an employer's policy on the subject does not absolve the employer or its manager and supervisor from liability under Title VII. Many recent decisions have stated that the courts look upon the effective implementation and enforcement of the policy by managers and supervisors as a key criteria in establishing liability. It is the responsibility of each manager and supervisor not only to communicate the policy of the City of Newton but also to ensure that a sexually discriminatory work environment does not exist and that co-workers are not sexually harassed. The failure to maintain this harassment free work environment and the failure to seriously respond to complaints of sexual harassment significantly contribute to the decisions on a supervisor's liability for their acts, or the acts of employees who are violating the policy.

II. Supervisors Guidelines for Preventing and Dealing with Sexual Harassment

Prevention is the best tool for the elimination of sexual harassment. As a supervisor you are not only responsible for your actions, but those of others. We are all responsible for assuring a work environment free of sexual harassment; we are responsible for assuring that our employees are not sexually harassed by other employees, and non-employees, such as agents, vendors, customers and citizens. It is our responsibility to take immediate and appropriate corrective action in response to sexual harassment.

These guidelines will assist you in preventing sexual harassment and living up to your supervisory responsibilities.

A. Raising the Subject

Publicize the sexual harassment policy at staff meetings, "tail-gate" meetings and one-to-one talks. Express your strong support for the policy and disapproval of sexual harassment behavior.

Remind employees periodically of:

- The policy
- Definitions and guidelines for identifying behavior
- How and to who to report a complaint
- The investigation process
- Management's commitment to prevention or appropriate corrective action
- Available training

B. Complaint Report Procedure

Sexual harassment is a form of employee misconduct under City policy and is a violation of Title VII of the U.S. Civil Rights Act. Supervisory personnel are responsible for handling complaints immediately, seriously, and discreetly. This not only includes making sure that the identities of the parties concerned are kept confidential and being discreet, but also making an effort to assure that the work unit environment remains free of gossip and innuendo. Sexual harassment is an emotionally charged issue; the employee making the complaint may bring any of a variety of feelings to the meeting with the supervisor. These range from confusion to embarrassment, to hurt or anger. Remember to:

- Listen to the complaint without making judgments and be patient
- Lay aside your own prejudices or opinions and seek out the facts in any complaint
- Do not over-react. (This emotional reaction sometimes tends to influence the objectiveness of the investigation).
- Do not make judgmental remarks about the employee filing the complaint. (Such as references about their dress or about their actions which may imply that they are to blame). Objectivity, sensitivity, fairness, and seriousness are the keys to handling complaints.

You have a duty to handle all complaints of sexual harassment, and to assist in remedying all valid complaints. Those responsibilities are specifically:

- Consider each sexual harassment incident or complaint on a case by case basis.
- Be sensitive to the employee's embarrassment, discomfort, anger, fear, or emotional duress.
- Treat all information received with confidentiality.
- Report the complaint immediately to the City Manager or his delegated employee.

A complaint may be handled in a variety of methods, depending on the seriousness of the conduct. In accepting a complaint of sexual harassment, keep in mind that the best information is often obtained as soon as possible after the alleged incident. Determine the specifics of the incident by seeking the answers to the following basic questions:

- What did the accused person do that was unsolicited and unwelcome?
- What are the specific details, who was involved, where and when did it occur? What were the specific comments made or actions taken? It is important to use the victim's own words about the comments or conduct which occurred.
- Were there any witnesses?
- How did the victim respond to the harasser? Did he or she tell them that the behavior was unwelcome?
- Has this type of behavior involving the accused person occurred previously?
- Have other employees been harassed by the alleged harasser?
- How does the aggrieved person want to resolve the situation?
- Was there any benefit denied in connection with the alleged harassment? Was anything negative done in connection with the alleged harassment?
- Were there any threats of retaliation made?

C. Investigating a Complaint

The City Manager is the person designated by the city to be investigator of complaints of sexual harassment. The City Manager may delegate the investigation to another city employee at his discretion. In the event the sexual harassment complaint is against the City Manager, the investigator shall be a municipal employee appointed by the City Attorney.

Any person receiving a complaint of sexual harassment has the responsibility of immediately notifying the City Manager. Department Heads and Supervisors shall make available any employee for interviews and present any documents required by the investigator.

D. Taking the Appropriate Corrective Action

After reviewing the facts of the investigation, the City Manager shall take immediate and appropriate disciplinary action against any employee who engaged in sexual harassment, consistent with his authority under the municipal charter, ordinances, and regulations pertaining to employee discipline.

The disciplinary action shall be consistent with the nature and severity of the offense, the rank of the employee, and any other factors the city manager believes relate to fair and efficient administration of the city, including, but not limited to, the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the city. The disciplinary action may include demotion, suspension, dismissal, warning or reprimand. A determination of the level of disciplinary action shall also be made on a case-by-case basis. A written record of disciplinary action taken shall be kept, including verbal reprimands.

E. Sensitizing yourself and employees.

The first step in "sensitizing" employees to sexual harassment is to raise the subject:

- Inform them about the policy
- Express your strong support of it
- Periodically remind them of it
- Talk about the negative effects on the victim (self esteem, family life, emotional stress, anger, hurt, fear, performance, employment opportunities, livelihood)
- Talk about the negative effects on the organization (service delivery, wasted resource, staff time, absenteeism, tardiness, turnover and personal conflict.)

F. Avoiding Charges of Sexual Harassment

The following are general guidelines that should serve as "rules of thumb" to supervisors in regard to acceptable conduct in the workplace or on duty. Generally speaking supervisors should:

- Keep their hands to themselves. Avoid uninvited touching of the opposite sex.
- Don't talk about sex on the job.
- Never discuss sexual or intimate aspects of their lives. Keep compliments casual and impersonal. Frequent personal comments may become suspect.
- Avoid jokes, words, phrases and gestures with sexual connotations. A good rule of thumb is, don't tell sexual jokes and don't engage in sexual innuendo.
- Not assume a friendly employee is attempting to be anything other than friendly with you. Do not read into any type of friendly behavior anything other than what it is - friendly.
- Keep in mind that each employee has "personal space". If you are observing, their body-language will tell you when you are too close to that space. Persons generally will display some type of defensive body language, such as, pulling away, ducking their head, crossing their arms, turning to the side, appear uncomfortable or nervous, will avoid eye contact, will maintain a rigid body position, will fidget with objects or furniture which is available.
- Avoid being alone with an employee when you suspect seductive behavior towards you. Deliver instructions in public places or with the door open.
- Sensitize and be ready to prevent sexual harassment when integrating employees into non-traditional jobs and work environments.

III. EMPLOYEES GUIDELINES FOR PREVENTING AND DEALING WITH SEXUAL HARASSMENT

Employees who become victims of harassment usually undergo serious psychological reactions to the incident. Initial reactions may range from confusion to questioning one's self as to whether they are actually being harassed, or perhaps just perceiving they are being harassed. Reactions may include surprise and anger about the incident.

A. Confronting a Sexual Harasser

It is important for employees who may be victims of sexual harassment to be aware of a few things. The following are given as examples of things that you should keep in mind if you believe that you are being sexually harassed.

- Recognize the sexual harassing behavior for what it is.
- Trust your own feelings about what is occurring.
- Don't blame yourself.
- Don't ignore the behavior, this will seldom resolve the situation or make the behavior go away. Instead the sexual harasser may perceive your ignoring the behavior as behavior which will initiate more blatant sexual harassment.
- Don't be silent; this behavior may be perceived by the harasser and other that you don't mind the behavior. This may serve to have the sexual harasser's behavior become more blatant.
- Remember that the City of Newton has a policy with total management support of it.
- You have a right and a responsibility under that policy to say "No".
- Tell the harasser the behavior is not welcome, be sure to tell the harasser specifically what behavior is not welcome.
- Don't argue with the person about their motives. If confronted, the typical harasser may joke about it, may say that you misunderstand their behavior, that you're overreacting, or that you can't take a joke.
- Don't feel that you have to justify your right to dislike the behavior. Simply say, "I understand what you're saying or doing, and I want you to stop the behavior." Again specify, "the behavior". Continue to repeat yourself until you are sure that the person is listening and is seriously responding to what you are saying. Do this especially when the reaction of the harasser is to say that "they are joking", or that "you misunderstood".
- Seek your support system, whether it be from friends or co-workers. Do this especially if you are uncomfortable with telling the harasser that their behavior is unwanted, or if you are uncomfortable about reporting the incident to management. Ideally (and this may be difficult), have one or more of your

friends or co-workers be present when you tell the person to stop his or her behavior.

- If the opportunity exists, take direct action when the incident occurs. Attempt to have your co-workers witness the incident, if not your reaction to it.
- Report the incident to your supervisor, your supervisor's supervisor, (if he or she is the harasser), or other people in the organization about the sexual harassment incident. Explain what you want to be done to resolve your complaint. If you feel your supervisor is not responding to your complaint seriously, go to his or her supervisor or other people in the organization until the matter is seriously addressed.
- Keep a record. Document all incidents or sexual harassment, when, where, what specifically was said or occurred, any witnesses, your response. Keep any other forms of evidence which may be used in an investigation, such as letters, notes, pictures, etc.
- Many times the employee can be the best deterrent to sexual harassment. If you are not able to communicate the seriousness of your objection and intent to the harasser, take certain steps that will send a clear message to the harasser, such as, writing a letter. This letter should include the specific behavior that occurred, and when it occurred, a statement by you that you want it stopped, and a statement that you will take formal action with management if the behavior is not stopped. Sign the letter, attempt to personally deliver the letter to the harasser, ideally in front of witnesses, keep a copy for yourself.

Talk to your co-workers and other employees to establish a support group. In many situations you will find that these people may have experienced the same type of behavior by the harasser and may serve as witnesses. If the harassment continues, report your complaint to any of the available sources listed in the city's complaint procedure.

B. Reporting Sexual Harassment Behavior

The city's policy provides that any employee who believes that they are being sexually harassed, or who has taken measures to stop the harassment but has been unsuccessful, may report a complaint with any of the following:

- The employee's immediate supervisor.
- The employee's department head.
- The city's personnel office.
- The city manager.
- The city attorney.

When you decide you want to make a report, contact whomever you feel comfortable with. When a sexual harassment behavior reaches an intolerable level, take the following steps in reporting your complaint.

- Record the specific comments or behavior that occurred, and when it occurred, (often the specific information is to the point and may be embarrassing, however, it is very important.)
- Report when the incident occurred, where it occurred, if there were witnesses, if you are aware of any other employees experiencing the same harassment as you and any other evidence such as, letters, notes, pictures, etc., which contributed to the incidents. Have records of what the offender said or did if you put them on notice. Have a record of exactly what you said or did to the offender in an attempt to prevent or stop the behavior. Record the reactions to your comments.
- If possible, let your co-workers know the harassment is taking place so that they are aware of the situation and may offer you support. Remember that as an employee who believes that you have been harassed, you have a responsibility to assist management in the timely and proper resolution of your complaint. If you are prepared to provide management with the above information, it will go a long way in getting to the source of the problem and appropriately resolving it to you and management's satisfaction.

C. What Next?

Most complaints will not be solved easily, or overnight. Complaints will be given top priority and handled immediately but an investigation will have to be conducted. All complaints will be forwarded to the City Manager to handle the investigation. The City Manager may delegate the investigation to another city employee at his discretion. An investigation requires interviews -- you, the accused and any witnesses. Additional interviews may be conducted regarding the circumstances. This can be time consuming. But it must be done in order to be fair to all concerned and to establish the facts. The City Manager or his delegated employee assigned to the investigation will keep you informed periodically of what is happening in the investigation.

Even after you have made a report, write down any other incidents that occur during the investigatory process. Note the date, time, what occurred, and if there were any witnesses. This information will aid in an investigation and serve as additional evidence.

If you feel you are being retaliated against after you have made a report, contact the person who handled your initial report -- retaliation is also against city policy and will not be tolerated.

The City's Management is committed to quickly and fairly dealing with each individual case of sexual harassment which is reported. There are outside agencies where you

can report a complaint, however, the City asks and encourages you to report sexual harassment to the City's internal process.

D. Confidentiality

The confidentiality of your reported complaint is very important. Your supervisors and investigator are responsible to assure that it be known only to those involved in resolving the complaint.

You may feel the need to talk to someone, but confidentiality is very important. Talking to the wrong people may result in your situation becoming widely discussed. In some situations it may also be detrimental to the investigation process. Use your discretion.

E. Support System

You have a number of resources to help you through a difficult time. Be aware of and use the following support systems:

1. Employee Assistance Program
 - Call on them immediately so it can be incorporated as part of the investigation procedure (with your permission).
 - They will provide counseling, support, advocacy and "how to" on:
 - Preventing "Second Injury"
 - Victim's perceived rejection from family, friends, and "system"
 - Feeling of powerlessness and betrayal
 - Helping reduce self-blame and restore power
 - Keeping victim informed of progress of case, sit in on interviews, court support
2. City Manager or his designated employee
 - Insure your complaint will be investigated properly
 - Arrange for protection from police when necessary.
 - Arrange for counseling through Employee Assistance Program
3. Outside Support
 - Clergy
 - Family and friends
 - Other counseling agencies
 - Other victims

F. Avoiding Sexual Harassment Behavior

The following serve as guidelines and may not be totally applicable in certain work environments. Some work environments are more liberal or conservative than others; keeping in mind that in each of those, there are people with varying degrees of personal and professional ethics, perceptions, etc. The following serve only as things that may be advisable in minimizing your chances of being sexually harassed. Where appropriate, use your discretion.

- Conduct yourself in a professional, mature and responsible manner.
- Be aware that "friendly" may be perceived by others as "flirtatious". This is an area that you as an individual will have to determine as you evaluate the individuals and your particular work environment.
- Avoid extremes of dress, rightly or wrongly, society perceives certain forms of dress as "advertisement". As with the previous guideline, the dress should be professional and appropriate to the work environment. Tight slacks or trousers may be wrongly interpreted by some individuals in the work force. You should base your own wardrobe on comfort, convenience and appropriateness.
- If approached with a request for a date or proposal, try to make your refusal calm, unmistakable, impersonal and final. Be assertive, but not aggressive or belligerent. Aggression or humiliation may trigger an attempt at retaliation or punishment by some individuals.
- Try not to appear as a victim. Indignation, confusion and crying are perceived as victim reactions, and may be triggers to continue the harassment. Talk to the harasser, person to person, remind them of their behavior as prohibitive and unwanted and that you will take the appropriate actions to have it stopped.
- Very aggressive or hostile incidents of sexual harassment are to be reported immediately. Fondling, leering, threats, lewd comments and other less serious forms of harassment are those that can easily escalate if you do not put the harasser on notice. You are strongly encouraged to report any incident of very aggressive or hostile incidents.