



New England Municipal Clerks' Institute and Academy
Board of Directors
Policy on Sexual Harassment

1. Purpose

The purpose of this document is to establish a strong policy prohibiting sexual harassment, to define sexual harassment, to provide disciplinary guidelines and to establish procedures for all individuals* who feel they have been subjected to sexual harassment to pursue their complaints.

*Reference to "individual" shall include students, faculty, and board members of NEMCI&A.

2. Policy

The New England Municipal Clerks' Institute & Academy (NEMCI&A) prohibits sexual harassment by all individuals at all levels.

Individuals who are determined to have sexually harassed another person while pursuing activity, through employment or using authority shall be subject to disciplinary action. Individuals who are determined to have vindictively and intentionally made a false complaint of sexual harassment shall be subject to disciplinary action.

Any retaliation against a person for filing a sexual harassment charge is prohibited. Individuals found to be retaliating against another individual shall be subject to disciplinary action.

3. Identifying Sexual Harassment

1. Sexual Harassment defined

Sexual harassment is defined as being unwelcome sexual advances, requests for sexual favors, and other 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.
- 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 unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

2. Identification Guidelines

Guidelines for identifying sexual harassment behavior are:

- a. The behavior is repetitive, i.e. constant touching, remarks or jokes.
- b. The behavior is unwelcome.
- c. The behavior is one-sided.
- d. The harasser usually has some kind of authority over the victim or there are conditions attached to either compliance or non-compliance.
- e. The complainant, for whatever reason, cannot stop the abuse.

4. Responsibilities

1. Chairman of the Board

The Chairman of the Board or designee will direct the investigation of all complaints and will maintain a confidential file on all charges of sexual harassment.

2. Board Members

Board Members, on all levels, are responsible for explaining the complaint procedure to a complainant and to make individuals aware of the policy and to obtain additional information on the subject for them. They are responsible for dealing effectively with complaints as they occur. The individual should also be made aware that the Chairman of the Board will be notified of the complaint and that the Chairman is available for assistance, if they so wish.

3. Status of Investigation

The Chairman, or designee, shall keep the individual informed of the status of the investigation.

5. Confidentiality

All personnel shall maintain the confidentiality regarding complaints in order to protect the parties involved, and information shall not be shared with anyone other than those involved in the investigation.

6. Complaint Procedure

1. Filing

An individual who believes he or she has been sexually harassed may file a complaint with any of the following:

- a. A Board Member
- b. Chairman of the Board

A signed complaint should be filed immediately and should be as specific as possible.

2. Response to a complaint

All Board members, Students and Faculty are expected to treat any complaints immediately, seriously, and confidentially and to give an investigation top priority.

7. Investigation Procedures

Any Board member receiving a complaint of sexual harassment shall immediately notify the Chairman of the Board.

The Chairman, or designee, shall expediently investigate all complaints of sexual

1. Investigator's Report

The Chairman shall compile a report of the findings of the investigation and offer advice on appropriate action.

8. Disciplinary Procedures

After reviewing the facts of the investigation, the Chairman or designee shall administer appropriate discipline to any individual found to be in violation of this policy.

1. Severity

Disciplinary action shall be taken depending on the circumstances and variables of each individual situation. The Board will be consulted to determine the severity of the disciplinary action to be taken. Disciplinary action may range from verbal counseling to termination.

2. Guidelines for Administering Discipline

The following are provided as guidelines for judging the severity of a violation and administering appropriate and fair discipline. Progressive discipline principles will be used. However, each incident will be handled on a case-by-case basis and all the circumstances and variables fairly reviewed in determining the appropriate action.

- a. An environment where offensive sexually oriented jokes, comments, insinuations, innuendoes, visual cues, other language and materials cause embarrassment, discomfort or distraction from activities is sexual harassment. These violations generally warrant verbal or written reprimands.
- b. Repetitive, one-sided and unwanted touching or fondling, which causes embarrassment, discomfort or distraction, is sexual harassment. These violations generally warrant verbal or written reprimands.
- c. Overt, forced physical actions, such as grabbing, kissing, hugging, physically restricting, sexual assault or rape are sexual harassment. These violations generally warrant suspension or termination.
- d. Frivolous complaints made which result in embarrassment to the innocent individual and result in the waste of the NEMCI&A Board resources will generally warrant a verbal or written reprimand.
- e. Intentional and vindictive complaints which results in embarrassment, discredit to one's character, loss of privacy, emotional duress, or hinders the opportunities of an individual and results in a waste of the NEMCI&A Board resources will generally warrant suspension or termination.

9. Appeal Procedure

Any appeal will be made in accordance with the established NEMCI&A procedures and or applicable labor management agreements.

Guidelines for Preventing and Dealing with Sexual Harassment

Individuals, 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.

1. Confronting a Sexual Harasser

It is important for individuals 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.

- a. Recognize the sexual harassing behavior for what it is.
- b. Trust your own feelings about what is occurring.
- c. Don't ignore the behavior; this will seldom resolve the situation or make the behavior go away. Instead the harasser may perceive you're ignoring the behavior as a behavior which will initiate more blatant sexual harassment.
- d. Don't be silent; this behavior may be perceived by the harasser and others that you don't mind the behavior. This may serve to have the sexual harasser's behavior become more blatant.
- e. Remember that the Board has a policy with total management support.
- f. You have a right and a responsibility under that policy to say "No."
- g. Tell the harasser the behavior is not welcome; be sure to tell the harasser specifically what behavior is not welcome.
- h. Don't argue with the person about their motives. If confronted, the typical harasser may joke about it, may say that you misunderstood their behavior, that you are overreacting, or that you cannot take a joke.

2. Reporting Sexual Harassment

This policy regarding the reporting of any sexual harassment incident is consistent with the NEMCI&A policy.

When an individual feels that the sexual harassment behavior has reached an intolerable level, the following steps are suggested in reporting the crime.

- a. 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.
- b. Report when the incident occurred, where it occurred, if there were any witnesses, if you are aware of any other individuals 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.
- c. If possible, let your peers know the harassment is taking place so that they are aware of the situation and may offer you support.
- d. Remember that as an individual who believes that you have been harassed, you have a responsibility to assist the Board in the timely and proper resolution of your complaint. If you are prepared to provide the Board 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 the Board's satisfaction.

3. Investigation of Complaints

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 Chairman to handle the investigation. An investigation requires interviews with 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 Chairman will keep you informed periodically of what is happening with the investigation.

Even after you have made a report, write down any other incidents that occur during the investigatory process. You should 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 Chairman. Retaliation is also against policy and will not be tolerated.

The victim of sexual harassment has other rights which would be explained when appropriate. In some sexual harassment cases, the behavior can be physical or sexual assault, telephone violations, indecent exposure or threats. In these cases the investigator will let the victim know what procedures to follow in regard to those types of behaviors.

4. Confidentiality

The confidentiality of your reported complaint is very important. The Chairman is responsible for assuring that it will only be known to those directly involved in resolving the complaint.

You may feel the need to talk to someone, but confidentiality is very important. Talk to the Chairman or designee, who can assist you in dealing with the situation and help you sort out your feelings or assist with any trouble you may be having in dealing with the situation.

Remember that you have a responsibility to assure confidentiality. 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.

5. Avoiding Sexual Harassment Behavior

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

- a. Conduct your self in a professional, mature and responsible manner.
- b. 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 environment.
- c. Avoid extremes of dress, rightly or wrongly, society perceives certain forms of dress as "advertisement." As with the previous guidelines, the dress should be professional and appropriate to the environment. Tight fitting clothing may be wrongly interpreted by some individuals. You should base your wardrobe on conformity with dress codes while stressing comfort, convenience, and appropriateness.
- d. 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.
- e. Try not to appear as a victim. Indignation, confusion, and crying are perceived as victim reactions, and may trigger the harassment to continue. 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.
- f. 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.
- g. Don't feel that you have to justify your right to dislike the behavior. Simply say "I understand what you are 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 only joking" or that you "misunderstood."
- h. Seek your support system, whether it is from friends or coworkers. 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 the Board. Ideally (and this may be difficult), have one or more of your friends or peers be present when you tell the person to stop his or her behavior.

- i. Report the incident to a Board member or to the Chairman. Explain what you want to be done to resolve your complaint. If you feel a Board member is not responding to your complaint seriously, go to the other people on the Board or to the Chairman until the matter is seriously addressed.
- j. Keep a record. Document incidents of sexual harassment, when, where, what specifically was said or occurred, any witnesses, your response. Keep any other forms of evidence which can be used in an investigation, such as a letter, notes, pictures, etc.
- k. Many times the individual 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 the Board 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 you.



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ACKNOWLEDGEMENT

I, _____, have received and reviewed the Policy on Sexual Harassment as approved by the Board of Directors for the New England Municipal Clerks' Institute & Academy.

Signature

Today's Date

Please submit this page at the time of registration.