

RESOLUTION #09-0908-05

Approve Revised Anti-Sexual Harassment Policy and Anti-Retaliation Policy

WHEREAS, Liberty Township has had a Sexual Harassment Policy in place for many years, and

WHEREAS, expenditures to revise the existing policy were approved by the Board of Trustees as well as one additional training date as it is cost effective, and

WHEREAS, Liberty Township staff has reviewed the revised sexual harassment policy and recommends that the Board accept and approve the new Sexual Harassment Policy as submitted, and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO that the Board accepts and approves the new Anti Sexual Harassment Policy as written and submitted.


BE IT FURTHER RESOLVED THAT the Board of Trustees authorizes the Township Administrator to sign an agreement amendment at the stated rates for an additional day of training as a cost effective alternative to overtime costs related to the third shift of firefighters.

This Resolution shall be in force and become effective immediately upon its execution.


Motion made by Guzzo and seconded by Mann.

Vote: yes Ms. Guzzo yes Mr. Mann yes Mr. Sybert

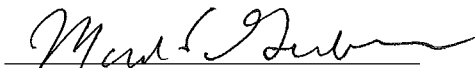
9-8-09
Date


Robert Mann, Trustee


Curtis J. Sybert, Trustee


Peggy Guzzo, Trustee

CERTIFIED BY:


Mark S. Gerber, Fiscal Officer

LIBERTY TOWNSHIP

Administration Policy -Policy Prohibiting Harassment-

Township's Anti-Harassment and Anti-Retaliation Policy

The Liberty Township Board of Trustees is committed to maintaining a positive climate for its employees, in which individuals are judged solely on relevant factors, such as qualifications, ability, and performance, and in which individuals can pursue their activities in an atmosphere that is free from harassment. The Board recognizes the human dignity of each Township employee and believes each employee has a responsibility to promote respect and dignity for others. To that end the Board strives to foster a work environment that is free from harassment. This positive climate and harassment-free environment is to extend also to all officials and guests of the Township.

Liberty Township will not tolerate any harassment by or of its employees, officials, vendors, or visitors, through words or actions, based upon an individual's race, religion, color, national origin, age, gender, or disability. This prohibition includes sexual harassment.

Although guided by the laws of the United States and the state of Ohio, the Township's Policy against harassment is not limited by these laws. This Policy is unique to the Township and is an expression of the Township's professional standards and expectations. All allegations of harassment will be taken seriously, and any person found to have engaged in harassment in violation of this Policy will be subject to discipline.

Retaliation: The Township will not tolerate retaliation against any person because he or she has raised an allegation of harassment, assisted a person in pursuing such an allegation, or has been a witness in or has participated in an investigation of a claim of harassment. Such retaliation is a serious violation of this Policy and can subject the offender to appropriate discipline. The reporting and resolution of any allegation of retaliation under this Policy will follow the procedures set forth below for charges of harassment.

False charge of harassment: Any false charge of harassment by an employee will not be tolerated and will be a violation of this Policy that will subject the offending party to appropriate discipline.

Scope of Policy

This Policy shall apply to all personnel employed by Liberty Township and to all Township officials. All are expected to abide by this policy, whether on Township property or away from the Township when engaged in Township employment or activities sponsored by the Township or that otherwise relate to the Township or its business. In addition, the Township will take necessary steps to protect its employees and officials from harassment by those who visit the Township in an official capacity.

Purpose of Policy

The purpose of this Policy is to educate all employees of Liberty Township regarding the prohibition against harassment, to prevent such harassment from occurring, to provide a procedure by which any employee who believes he or she has been subjected to harassment can report the harassment, and to provide a procedure to investigate such a report and to stop any harassment.

Defining Harassment

Harassment of an individual on the basis of an individual's race, religion, color, national origin, age, gender, or disability can result in individuals being denied equal opportunity in the terms and conditions of their employment. Sexual harassment is included in the definition of harassment for purposes of this Policy. However, because the prohibition against sexual harassment has issues specific relating to it, this Policy includes a specific definition of and examples of sexual harassment.

1. Harassment:

Harassment includes incidents of verbal or non-verbal behavior directed toward an individual because of the person's race, religion, color, national origin, age, gender, or disability, that are severe or pervasive enough to adversely affect a person's work environment. Harassment of this nature is sometimes referred to as creating a hostile work environment, similar to the distinction in the sexual harassment definition below.

2. Sexual Harassment:

Sexual Harassment, a form of sex discrimination, generally has been defined in two broad categories: "quid pro quo sexual harassment" and "hostile environment sexual harassment." These distinctions are important in understanding this type of harassment.

- a) "Quid pro quo sexual harassment" can involve promises (e.g. raises, promotions, or other favorable treatment) based on an individual's willingness to submit to unwelcome behavior, including sexual favors or activities or relationships or other unwelcome attention based on gender. It can also involve threats (e.g. demotion, termination, or other unfavorable treatment) based on an individual's refusal to submit to unwelcome behavior, including being involved in a sexual or romantic relationship, granting sexual favors, or engaging in other sexual or unwelcome activities based on gender. The promise or threat does not necessarily need to be overt.
- b) "Hostile environment sexual harassment" ordinarily exists when there are incidents of verbal or non-verbal behavior in the workplace directed toward an individual because of the person's gender, that are unwelcome and that are severe or pervasive enough to adversely affect a person's work environment.

c) Some examples of conduct that can lead to hostile environment sexual harassment include (but are not limited to) the following:

1. persistent, unwelcome attempts to change a work relationship to a romantic or sexual relationship
2. abusive remarks about individual persons or classes of people on the basis of their gender
3. sexual abuses such as assault and rape (which may also constitute criminal conduct)
4. forms of attention toward another employee, when they are persistent and unwelcome, for example:
 - requests for dates
 - flirtations
 - sexual advances
 - love letters
 - phone calls
 - electronic communications
 - gifts
 - touching, patting, hugging, brushing against a person's body, staring
 - graphic commentary about an individual's body, sexual prowess, sexual deficiencies and/or sexual preference
 - inquiries and comments about sexual activity, experience, or orientation
5. sharing or displaying objects, pictures, stories, jokes, that are sexual in nature, that demean persons on the basis of their gender, or that otherwise create a hostile or offensive working environments on the basis of a person's gender.

If you are not sure whether a particular behavior is acceptable, ask yourself how someone you care about might feel if he or she were subjected to the behavior. You might ask yourself these questions:

- Would you say or do this in front of your family members?
- Would you say or do this in front of a fellow employee or supervisor?
- Would you be comfortable if these words or this behavior were publicized?

Procedures for reporting harassment, including sexual harassment

1. Generally, if an employee believes he or she has been subjected to harassment in violation of this Policy, a good first step is to tell the person doing the harassment or creating a hostile environment that you find the behavior offensive and want it to stop.
2. If direct communication with the offending party does not completely solve the problem, or if the employee is not comfortable communicating directly with the offending party, the employee should immediately report the harassment or hostile environment to his or her Department Head or to the Township's Administrator. If neither of those individuals is available, or if there is a reason why neither of those individuals should receive the report (e.g. the individual is responsible for the harassment or has ignored claims of harassment in the past), the employee may report to any of the other Township Department Heads. There may be instances where the employee should report the conduct to a member of the Board of Trustees.
3. Any incident of harassment should be reported as soon as possible after the alleged occurrence.
4. All command and supervisory personnel to whom a report is made shall advise the Township Administrator and participate in further investigation or oversight as directed. In addition, all command and supervisory personnel shall be expressly responsible for immediately addressing any occurrences of harassment they witness or of which they become aware within their department, which occurrences shall also be reported to the Administrator.
5. The Township reserves the right to investigate circumstances that may involve harassment in situations where no complaint, formal or informal, has been filed.

The Township's response to a complaint of harassment

1. Following a complaint of possible harassment, if appropriate, and if possible, immediate action shall be taken by command and supervisory personnel to limit and restrict, during the pendency of the investigation of the complaint, any work assignments or contact between the employee making the complaint and the employee(s) against whom the complaint is made. The Township Administrator should be consulted prior to taking such action.
2. A complaint of conduct that may be a violation of this Policy shall be promptly reviewed and/or investigated by the Administrator or his designee. All such complaints will be handled in a fair, impartial and speedy manner.
3. In order to protect both the employee making the complaint and the employee(s) against whom the complaint is made, every reasonable effort will be made to handle all

complaints in a confidential manner, to the extent the review or investigation and resolution of the complaint permit.

4. The first step in the review or investigation will generally be a meeting between the person making the complaint and the person conducting the investigation, to be held as soon as possible following the report of the alleged harassment. Following this meeting, if it appears that there may have been a violation of this Policy, the employee(s) against whom the complaint has been made shall be given an opportunity to respond to the allegations.
5. The review or investigation of the complaint may, where appropriate, include interviews of other Township employees or officials or others who may have information regarding the alleged harassment. All are expected to cooperate fully and honestly with any such interviews.
6. Following completion of the review or investigation, if it is determined that harassment in violation of this Policy has occurred, the Township will act promptly to take steps to stop the offending conduct and assure it does not re-occur. If an employee is found to have violated this Policy, the Township will discipline the offending employee in accordance with the Township's policies and practices relating to discipline. Such discipline may range from a verbal warning and counseling to termination from employment.

Retaliation

1. Retaliatory action or conduct of any kind taken by any Liberty Township employee against an employee as the result of that employee having sought redress under this Policy, regardless of the outcome of the complaint, is strictly prohibited and shall be regarded as a separate and distinct violation of this Policy, subjecting the violator to discipline.
2. Any information regarding a complaint of harassment will be removed from the reporting employee's personnel file at the conclusion of the investigation and be retained in a separate administrative file. No employee or official is to advise future employees that an employee initiated a complaint of harassment as long as the employee was not subject to discipline for making a false claim as prohibited under this Policy.

Distribution of Policy and education

1. Upon adoption by the Township Board of Trustees of the Resolution that establishes this Policy, each current Township employee and official shall be provided with a copy of the Policy and required to sign a copy of the Policy evidencing that he or she has received a copy of the Policy and had an opportunity to review it with his or her supervisor or the Township Administrator. As new employees and officials join the Township, they will be provided the Policy in the same manner.

2. The Board of Trustees will provide training and information to its employees regarding harassment, the Township's prohibition against harassment, and the specifics and procedures of this Policy.

Summary of Steps to Take in Reporting Harassment

The following steps should be followed by persons who have experienced harassment:

1. Generally, the best first step is for an employee to inform the individual engaging in harassing behavior that the conduct is offensive and must stop.
2. Employees who do not wish to communicate directly with the individual engaging in harassing behavior, or if they have directly communicated but the behavior does not end, should report the conduct to their Department Head, the Township's Administrator, or if necessary to another Department Head or Township Trustee.
3. Provide information needed to properly investigate the situation.
4. Reporting harassment will not affect the employee's evaluation, advancement, assigned duties, shifts or any other condition of employment.

Non-Compliance

Failure to comply with the provisions of this Policy shall result in appropriate disciplinary action, including discharge.

On this date _____, I have received and reviewed this Policy Prohibiting Harassment and have had an opportunity to ask any questions of my supervisor or the Township Administrator.

Employee Signature

Department Head Signature/Title