

SEXUAL HARASSMENT MODEL POLICY

This employer is committed and obligated under state and federal law to ensure that this workplace is free from sexual harassment. This policy protects and applies to all persons engaged to perform work or services for this employer, regardless of employment classification.

What is "sexual harassment"?

Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

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

Examples of sexual harassment include, but are not limited to the following, when such acts or behavior fall under one of the above definitions:

- either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- touching or grabbing a sexual part of a person's body;
- touching or grabbing any part of a person's body after that person has indicated, or it is known, that such physical contact was unwelcome;
- continuing to ask a person to socialize on or off-duty when that person has indicated they are not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g. ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.);
- derogatory or provoking remarks about or relating to a person's sex or sexual orientation;
- harassing acts or behavior directed against a person on the basis of his or her sex or sexual orientation; or
- off-duty conduct which falls within the above definition and affects the work environment.

What this employer will do if it learns of possible sexual harassment

In the event this employer receives a complaint of sexual harassment, or otherwise has reason to believe that sexual harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed. This employer is committed, and required by law, to take action if it learns of potential sexual harassment, even if the aggrieved person does not wish to formally file a complaint.

Every supervisor is responsible for promptly responding to, or reporting, any complaint or suspected acts of sexual harassment. Supervisors should report to _____ (who has been designated to receive such complaints or reports), or to _____ (the head of this organization). Failure by a supervisor to appropriately report or address such sexual harassment complaints or suspected acts shall be considered to be in violation of this policy.

Care will be taken to protect the identity of the person with the complaint and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation. It shall be a violation of this policy for any person who learns of the investigation or complaint to take any retaliatory action which affects the working environment of any person involved in this investigation.

If the allegation of sexual harassment is found to be credible, this employer will take appropriate corrective action. The employer will inform the complaining person and the accused person of the results of the investigation and what actions will be taken to ensure that the harassment will cease, and that no retaliation will occur. Any employee, supervisor, or agent found by the employer to have committed harassment will be subject to sanctions appropriate to the circumstances, ranging from a verbal warning up to and including dismissal. If the allegation is not found to be credible, the person with the complaint and the accused person shall be so informed, with appropriate instruction provided to each, including the right of the complainant to contact any of the state or federal agencies identified in this policy notice.

What you should do if you believe you have been harassed

Any person who believes that she or he has been the target of sexual harassment, or who believes they have been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop. If the person subjected to the harassment does not wish to communicate directly with the alleged harasser or harassers, or if direct communication has been ineffective, then the person with the complaint is encouraged to report the situation as soon as possible to

_____ at _____
(who has been designated to receive such complaints or reports), or to her or his supervisor, or to _____ at _____ (the head of this organization).

A person need not be the subject of the sexual harassment to report the offensive conduct to this employer. Persons reporting or participating in an investigation of sexual harassment will be protected by this policy and by state and federal law.

It is helpful to an investigation if the person keeps a diary of events and the names of people who witnessed or were told of the harassment, if possible.

This employer is committed to ensuring rights are preserved and will not require individuals to waive their rights to be free from sexual harassment under federal and state law.

If the complainant is dissatisfied with this employer's action, or is otherwise interested in doing so, she or he may file a complaint by writing or calling any of the following state or federal agencies:

- Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05609, ago.civilrights@vermont.gov, tel:(888)745-9195 (Toll Free VT) or (802)828-3657 (voice/TDD). Complaints should be filed within 360 days of the adverse action.
- Equal Employment Opportunity Commission, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, <https://www.eeoc.gov/employees/charge.cfm>, tel:1-800-669-4000 (voice), 1-800-669-6820 (TDD). Complaints must be filed within 300 days of the adverse action.
- Vermont Human Rights Commission, 14-16 Baldwin Street Montpelier, VT 05633-6301, email: human.rights@vermont.gov, tel: 1-800-416-2010 (Toll Free VT) or 1-802-828-1625 (voice), (Only if you are employed by the State of Vermont). Complaints must be filed within 360 days of the adverse action.

Each of these agencies may conduct impartial investigations, facilitate conciliation, or pursue a civil action in state or federal court. Although individuals are encouraged to file their complaint of sexual harassment through this employer's complaint procedure, an individual is not required to do so before filing a charge with these agencies. In addition, a complainant also has the right to hire a private attorney and to pursue a civil action in Superior Court.

Where can I get copies of this policy?

A copy of this policy will be provided to every employee, and extra copies will be available in the following office:

Additionally, written copies of this policy will be provided to every employee whenever this policy is updated. Reasonable accommodations will be provided for persons with disabilities who need assistance in filing or pursuing a complaint of harassment, upon advance request.]