


<p><b>TOWNSHIP OF VERONA</b> <b>COUNTY OF ESSEX, NEW JERSEY</b></p>  <p><i>POLICIES AND PROCEDURES</i></p>	Policy Title:	Anti-Harassment
	Policy Reference No:	2-2
	Release Date:	5 January 2023
	Approved By:	Joseph D'Arco, Township Manager
	Authority:	§ 36-1 (C)
	Revision History:	1
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	Applicability:	All Employees & Volunteers

As stated above in our EEO policy (Policy Reference No. 2-1), the Township of Verona is committed to a work environment in which all individuals (whether applying for employment or individuals who are employed by us) are treated equally. We are also committed to a work environment in which all individuals are treated with respect and dignity. We believe every individual has the right to work in a professional atmosphere that promotes respect and equal employment opportunities. In furtherance of this belief, we forbid discriminatory practices, including harassment of any kind.

*Defining Harassment*

Under this policy, we define harassment to include any verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her actual or perceived sex, sexual or affectional orientation, gender or gender identity or expression, race, creed, color, religion, national origin, ancestry, age, marital status, political status, atypical hereditary or cellular blood trait, disability or handicap, domestic partnership or civil union status, sexual orientation, pregnancy, childbirth, medical condition related to pregnancy or childbirth, breastfeeding, genetic information or refusal to submit to a genetic test, service in the United States armed forces or any other class protected by federal, or local law or regulation (or an affiliation with someone in a protected class) and which: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunity.

Harassing conduct can include, but is not limited to: offensive words or pictures which denigrates or shows hostility toward an individual or group (this may include text messaging or e-mail); unjustified criticism, performance reviews and/or unfavorable work assignments which are based on an individual's status as a member of a protected class rather than based on legitimate performance or business needs. Harassment may be in the form of jokes, epithets, slurs or negative stereotyping or threatening, intimidating, or hostile acts.

*Defining Sexual Harassment*

Sexual harassment is also a form of discrimination and is illegal under federal, state, and local laws.

Unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

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

Unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

- Submission to such conduct is made either explicitly or implicitly in exchange for a benefit;
- Submission to or rejection of such conduct by an individual is used as the basis for a decision affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's activities or creating an intimidating, hostile or offensive environment.

Sexual harassment may include, but is not limited to: sexual propositions, suggestive comments, sexually oriented jokes or language, practical jokes or "teasing," gestures, obscene printed or visual material (e-mails, computer based, text messages, and all others), any unwelcome physical contact. This can include, pinching, "playful" patting, unwanted touching of another's body part (any body part including but not limited to placing a hand on another's back, arm, shoulder, etc.), deliberate "bumping" up against another's person, treating male or female employees differently from members of the opposite sex, leaving employees out of meetings because of their gender, and others.

Conduct prohibited by these policies is unacceptable in the workplace and outside the workplace.

Harassment of Township employees, in connection with their work, by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to their supervisor. Appropriate action will be taken against any non-employee.

*Complaint of Harassment, Discrimination, or Retaliation*

We are committed to providing a workplace free from harassment and discrimination. However, we need your help to ensure our workplace remains as such. If we do not know harassment or discrimination has occurred, we cannot rid our workplace of it. Employees should not "assume"

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management is aware of the situation. We strongly urge all employees to promptly report any complaint or concern so that immediate and effective corrective action can be taken. We understand how sensitive this issue is and your anticipated desire for confidentiality. While we cannot guarantee that a complaint or concern will remain completely confidential, to the extent possible and practicable confidentiality will be maintained.

Individuals who have experienced or witnessed conduct that they believe is contrary to this policy are encouraged to immediately notify their supervisor, Township Manager or the Township Attorney.

We understand that sometimes it is simply awkward or impractical to notify one of these above named individuals. The point here is to notify a member of management who can take action. Therefore, if none of the above-mentioned individuals is a practical option, please report your concern to another member of management. Any supervisor who receives a complaint of harassment or discrimination is required to report the complaint immediately to the Township Manager. Completion of a written complaint form is preferred but is not required. The harassment does not have to occur on Township property during regular work hours for an employee to file a complaint under this policy.

The Township encourages the prompt reporting of complaints so that rapid response and appropriate action may be taken. All complaints will be investigated, regardless of when they are filed.

#### *Investigation Procedure*

Once a complaint of harassment, discrimination, or retaliation has been received, the Township shall conduct a prompt and thorough investigation into the harassment complaint to determine the merits of the allegations. The investigation process varies from case to case but may include individual interviews with the parties, potential witnesses, or others who may have information that the investigator believes is relevant to the matter. Confidentiality will be maintained throughout the investigatory process to the extent possible and to the extent consistent with ensuring an adequate investigation and appropriate corrective action is taken. Each investigation is different and for this reason, we cannot provide an exact time frame for how long the investigation process takes.

The investigation may include an interview with the employee bringing the complaint and the accused. All employees have a responsibility to cooperate fully with the investigation of harassment. Although the extent of each investigation will vary, discretion and cooperation are crucial at all levels. If the Township determines that the complaint has merit, the accused shall face appropriate disciplinary action up to and including termination of employment. In the event that the Township determines the complaint to be intentionally dishonest, appropriate disciplinary action up to and including termination of employment may be taken against the employee who caused the complaint to be filed. Any disciplinary action issued pursuant to this

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policy shall be consistent with applicable collective negotiations agreements and applicable due process safeguards.

Depending on the number of parties/witnesses to be interviewed, availability of relevant parties/witnesses, documents to be reviewed, an investigation may be concluded in a matter of days or may occur over several weeks. Every effort will be made to conclude the investigation as soon as possible. Upon completing an investigation, the complaining party will be notified of the outcome.

*Responsibility of Supervisory Personnel*

Supervisors are to monitor the work environment to ensure that all subordinates comply with this Anti-Harassment Policy. When a supervisor learns of a violation of this policy, the supervisor shall assist the employee in reporting the alleged incident(s) of harassment. Alternatively, the supervisor shall report the matter to the Township Manager. Any supervisor who receives a harassment complaint from any employee must immediately bring it to the attention of the Township Manager for resolution.

*No Retaliation*

Because we take this policy very seriously, we encourage employees who have witnessed or been the victim of harassment or retaliation to bring all complaints to the attention their supervisor, Township Manager or the Township Attorney. We affirmatively prohibit retaliation against any individual who reports discrimination or harassment or who participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of such act is a serious violation of this policy and, like harassment and discrimination itself, will be subject to disciplinary action up to and including termination.

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Revision No.	Revision Date	Nature of Revision	Approved By
1	1/5/2023	Changed Approver from Cavallo to D'Arco	JD