




POLICY AND PROCEDURE STATEMENT

SUBJECT SEXUAL & OTHER PROHIBITED TYPES OF HARASSMENT	PAGE 1 OF 4	DATE EFFECTIVE AUGUST 1, 2018		
SECTION/POLICY NO. 5.14	APPROVED BY  MAYOR	SUPERSEDES VOA II-C, OCTOBER 1, 2003		
PREPARED BY VILLAGE ADMINISTRATOR & SOLICITOR	 VILLAGE ADMINISTRATOR	APPROVAL DATE	ISSUE DATE 12/31/2017	REVIEW DATE
REFERENCE	 PERSONNEL/BENEFIT COMMITTEE	DISTRIBUTION LIST WEBSITE, MAYOR, COUNCIL CLERK-TREASURER, AND VILLAGE EMPLOYEES		

SCOPE

- I. This Policy applies to Ashville Personnel, Ashville Government, and Contract Staff.

POLICY AND PROCEDURE

- I. It is the policy of the Village of Ashville that all employees shall enjoy a work environment free from all forms of discrimination and harassment, including sexual harassment. All employees, including supervisors and managers, will be subject to disciplinary action, up to and including discharge, for any sexual harassment behavior, or other forms of harassment or discrimination.
- II. Any employee who believes that they have been subjected to sexual harassment or other forms of discrimination or harassment will immediately report the incident or alleged occurrence either to the Village Solicitor or designee*, who can be contacted at:

Mark Landes, Attorney at Law	Main: 614-221-2121
Isaac Wiles Burkholder & Teetor, LLC	Fax: 614-365-9516
Two Miranova Place, Ste. 700	Email: mlandes@isaacwiles.com
Columbus, Ohio 43215-5098	

In order for the village to take appropriate actions, the village must be notified about the incident. Verbal complaints are acceptable and the village does NOT require written complaints. However, the village encourages individuals to utilize the Village's complaint form in order to facilitate consistency in communication.

- III. Any supervisor, or department head, or employee who observes or becomes aware of potential harassment, must report the conduct to the Village Solicitor or designee*.
- IV. The village will promptly investigate a complaint of sexual harassment or other forms of discrimination or harassment. All complaints will be handled in a fair, impartial, and efficient manner. Every reasonable effort will be made to handle all complaints in a confidential and discreet manner, but confidentiality is not guaranteed. If an employee is not satisfied with the way a complaint is handled, he or she should bring this to the attention of the Mayor, Village Administrator, Solicitor, or their designee. In all cases, the employee will be advised of the conclusion of the investigation.
- V. No employee shall willfully bring forth or threaten to bring forth a false accusation of sexual harassment or other forms of harassment or discrimination contemplated solely to damage, harm, "get even with," or otherwise intimidate a co-worker, supervisor or manager. A complaint that is ultimately determined not to be a policy violation, but is based on actual occurrences, is not considered a false accusation under this section.

VI. Retaliatory action or conduct of any kind taken by any member of the Village of Ashville against an employee who files a complaint of sexual harassment or other forms of harassment or discrimination and/or an employee who is a witness to the alleged conduct is strictly prohibited. Retaliatory action shall be regarded as a separate and distinct violation of the Village of Ashville's policies. Any employee who violates this section is subject to disciplinary action, up to and including termination.

- * The internal Village of Ashville designee will be the Village Administrator and chairperson of the Ashville Village Council Committee for Personnel and Benefits. It will be the obligation of the designee to report any communication regarding this policy to the Solicitor and seek instruction on how to proceed. This is an internal option. The employee can report directly to the Solicitor.

PURPOSE:

The Village of Ashville promotes a work environment free of actions or behaviors which are illegal and/or which contribute to interpersonal conflicts, poor morale or poor performance in the workplace. This policy applies to workplace conduct, conduct at village functions, off-site social functions between employees, and to employees at all levels and positions within the village. This policy not only prohibits sexual discrimination and harassment, but discrimination or harassment based on the protected classes of race, color, religion, age, gender, national origin, genetic information, disability, or military status. Further, the Village of Ashville condemns any such conduct and affirms that it will take appropriate action to eliminate such offensive conduct from the workplace.

Sexual harassment and discrimination or harassment based on race, color, religion, age, gender, national origin, disability, genetic information, or military status are prohibited by State and Federal Law, and by this Village of Ashville policy.

As used herein, "harassment" is defined as deliberate or repeated conduct directed by an individual to an employee, and that conduct is (1) based on the employee's protected class (e.g., race, sex, etc.); (2) unsolicited and unwelcome; and (3) has the effect of creating an intimidating, hostile, or offensive working environment.

Sexual harassment can also take the form of making acceptance of unwelcome sexual conduct or advances or requests for sexual favors a condition for hire, promotion, pay increase, favorable evaluation, assignment, or continued employment, or negative treatment to an employee for refusal to accept such conduct, advance, or request.

These are examples of some of many behaviors that could be considered sexual harassment:

- pressure for sexual activity
- asking about a person's sexual fantasies, sexual preferences, or sexual activities
- unwelcome patting, hugging, or touching of a person's body, hair, or clothing
- repeatedly asking for a date after the person has expressed disinterest
- sexual innuendoes, jokes, or comments
- making sexual gestures with hands or through body movements
- disparaging remarks to a person about his/her gender or body
- making suggestive facial expressions such as licking lips or wiggling tongue
- sexual graffiti or visuals

These are examples of some of many behaviors that could be considered harassment based on an individual's protected class:

- Use of derogatory terms that denote a particular racial, ethnic, religious or age group.
- Jokes, slurs or other remarks that disparage racial, ethnic, religious or age groups.
- Verbal abuse or insults of a racial, ethnic, religious or age-related nature.
- The display in the workplace of objects, pictures, posters, magazines, cartoons, or other materials that negatively portray any particular racial, ethnic, religious or age group.

The conduct portrayed in the above examples is not all-inclusive, but only illustrative.

Five Core Principles of Harassment Management

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|-------------------|--------------|
| 1. No Tolerance. | 4. Empathy. |
| 2. Observation. | 5. Fairness. |
| 3. Communication. | |



Village of Ashville



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 200 East Station Street
 Ashville, OH 43103
 Office: 740/983-6367 ● Fax: 740/983-4703

ASHVILLE SEXUAL & OTHER PROHIBITED TYPES OF HARASSMENT COMMUNICATION/INVESTIGATION FORM

Name:			
Address:	City	State	Zip
Phone		E-mail	

Were you fired?

If fired when? _____

If not fired, do you think you are about to be fired?

When? _____

Were you given a reason for being fired/about to be fired? What reason?

Do you think it's really for a different reason?

If so what reason? _____

Did you quit?

When did you quit? _____

Why did you quit? _____

Were you or are you being harassed?

When was the last time? _____

What (briefly) constituted the harassment?

Why do you think you were being harassed? (race, age, gender, other - please name)

Did you report the discrimination or harassment to anyone in the village?

Who did you report it to? _____

What is their position? _____

Are they still employed there?

Did anyone witness the discrimination or harassment?

Who witnessed it? _____

What did they see or hear? _____

Are they still employed there?

Did you report the discrimination or harassment to any government agency?

Which agency? _____

When was it reported? _____

Did you file a written complaint?

Did you receive anything in writing notifying you that you can file a lawsuit?

When did you receive it? _____

Are you presently employed?

Where are you presently employed? _____

How long have you been employed? _____

What do you earn? _____

If you were fired or quit, how long were you there? _____

How much were you making? _____

Please indicate any other facts that you believe are important. We need to know what your employer did to you, what reason you think they did it which you believe it illegal, and what damage or loss you suffered because of what they did.
