

## **NONDISCRIMINATION/ANTI-HARASSMENT POLICY AND COMPLAINT PROCEDURE**

### **Objective:**

Millington Township is committed to a work environment in which all employees are treated with respect and dignity. All employees have the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, the Township expects that all relationships among persons in the office will be business-like and free of bias, prejudice and harassment. Millington Township has developed this policy to ensure that all employees can work in an environment free from unlawful harassment, discrimination and retaliation. The Township will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

### **Equal Employment Opportunity is Exclusive of Harassment:**

It is the policy of the Township to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, weight, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law. The Township prohibits any such discrimination or harassment.

### **Non-retaliation:**

Millington Township encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the Township to promptly and thoroughly investigate such reports. Millington Township prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

### **Sexual Harassment:**

Millington Township's equal employment opportunity policy against discrimination and harassment prohibited by law includes a prohibition against sexual harassment. Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. The law defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when either:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
2. Submission to, or rejection of, such conduct by an individual is used as a basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment, or has an ethnic, racial, religious, or sexual basis.

Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment: a) quid pro quo and b) hostile work environment. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual

favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

#### **Harassment on the Basis of Other Protected Characteristics:**

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of their race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law and that: a) has the purpose or effect of creating an intimidating, hostile or offensive work environment; b) has the purpose or effect of unreasonably interfering with an individual's work performance; or c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the Employer's premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

#### **Individuals and Conduct Covered:**

These policies apply to all applicants, employees, elected officials, volunteers, and committee members, whether related to conduct engaged in by fellow staff or by someone not directly connected to the Township (e.g., an outside vendor or consultant). Millington Township encourages employees to immediately report any discriminatory or harassing conduct by vendors or consultants to the Township Clerk or Supervisor. An investigation will be conducted into allegations of any such discrimination.

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related events.

#### **Reporting an Incident of Harassment, Discrimination or Retaliation:**

Millington Township encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct, or who witness such conduct should file a written report and submit to the Township Clerk or Supervisor as referenced below in the Complaint Procedure.

You may, but are not required to, speak with the offending individual directly. You may inform the offending individual that the behavior in question is unwelcome and must be stopped.

#### **Complaint Procedure:**

1. Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should file a written complaint with the Township Clerk or Supervisor.

2. Millington Township encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.
3. Upon receipt of a complaint, Millington Township will undertake appropriate action that may include a prompt and impartial investigation. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
4. To the extent possible, the investigation will be conducted in a manner calculated to protect the privacy of the individuals involved, and the confidentiality of the complainant. However, no employee is promised strict or absolute confidentiality.
5. Employees who become aware of complaints or investigations of harassment are expected to refrain from unnecessary and unprofessional discussions with coworkers concerning the individuals involved as such discussions may themselves be a form of retaliation or harassment.
6. Retaliation against an individual for reporting in good faith harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately.

If the investigation reveals that harassment or discrimination in violation of this policy has occurred, disciplinary action, up to and including discharge, may be taken. The nature of the discipline will depend upon the circumstances of each case.

If an investigation of the complaint of harassment or unlawful discrimination reveals that the complaint was frivolous or not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information.