City of New Haven
Sexual Harassment Prevention Policy and Administration Procedures

Purpose:

The City of New Haven is committed to providing a respectful atmosphere that is conducive to productivity and does not tolerate sexual harassment or retaliation for reporting sexual harassment. The purpose of this policy is to set acceptable standards of conduct for all municipal employees by providing a workplace free of discrimination based on sex and sexual orientation. Sexual Harassment is illegal and is prohibited by The Connecticut Fair Employment Practices Act, and Title VII of the Civil Rights Act of 1964.

Responsibility:

The Chief Administrative Officer is the issuing authority for this policy.

Daily administration is the responsibility of all Coordinators and Department Heads.

Every employee (defined as City employees and public officials) is responsible (1) for maintaining a professional environment free from sexual harassment and retaliation and (2) for bringing to the City's attention any conduct that interferes with the City's efforts to promote a respectful and productive work environment.

Definition:

Sexual harassment means: Any unwelcome physical contact, sexual advances or requests for sexual favors or any conduct of a sexual nature when:

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 the 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.

Policy:

1. The City will take disciplinary action, up to and including termination of employment, against any employee found to have engaged in sexual harassment of another employee. The extent of discipline will depend upon the nature and severity of the offense.

2. This policy will be enforced at all levels of municipal government including but not limited to employees, public officials, applicants for employment, vendors, volunteers, and visitors.

3. Forms of sexual harassment include but are not limited to unwanted physical contact, unwanted sexual advances, employee harassment of non-employees, harassment of employees by non-employees, male harassing female coworker; female harassing male coworker, same-sex harassment, harassment by any employee of any person, or by any non-employee of any person, regardless of gender identification, sex, or sexual orientation.

4. The City will provide all department heads and coordinators with a working understanding of sexual harassment, strategies to prevent sexual harassment in the workplace, and instruction as to the appropriate actions to take when sexual harassment complaints are brought to their attention. All City employees are required to complete the Connecticut CHRO Sexual Harassment Training Course within 30 days of hire and once every 10 years thereafter.

5. All employees shall cooperate fully in any investigation into a complaint of sexual harassment and shall provide truthful information in connection with any such investigation. Failure to fully cooperate in any investigation of a violation of this policy may result in discipline up to and including termination of employment.

6. Engaging in acts of sexual harassment, or in retaliation for reporting acts of sexual harassment, may result in disciplinary action up to and including termination of employment.

Prohibited Conduct:

Prohibited conduct may include but is not limited to:

1. Intentional unwanted physical contact including but not limited to touching, kissing, patting, pinching, brushing up against someone; assault; or impeding or blocking movements.
2. Offensive comments, unwelcome sexual advances, jokes, innuendoes, or other statements of a sexual or gender-based nature; offering employment benefits in exchange for sexual favors; threatening or engaging in reprisals after a negative response to, or rejection of, sexual advances.
3. Non-verbal conduct including but not limited to derogatory or pornographic displays, sexual gestures; leering; sending sexually suggestive communications such as email messages or texts; derogatory or pornographic posters, cartoons or drawings.
4. Sexual favoritism, such as granting or withholding employment opportunities and/or benefits, including but not limited to, job assignments, unequal discipline, promotion, evaluation, preferential treatment when based on sexual favoritism.

A. <u>Informal Procedure:</u> The informal process of responding to sexual harassment is discretionary and is not required prior to filing a formal complaint. Making an informal complaint involves complainant disclosing an incident of sexual harassment to their Department Head or the Department of Human Resources. The Department Head or Department of Human Resources will contact the complainant with support resources and options to move forward with making a formal complaint if they wish.

B. <u>Formal Procedure:</u> In the event that the aggrieved party does not wish to pursue the informal procedure, or the informal procedure fails to produce satisfactory results, the following procedure should be followed to initiate a formal complaint:

1. Immediately complete and submit the Sexual Harassment Reporting Form to the Human Resources Department.
2. During the course of the investigation, remedial action may be taken to separate the complainant from the respondent.
3. Human Resources must acknowledge receipt of the complaint in writing within 10 business days.
4. Human Resources shall undertake a thorough, objective, and complete investigation of all allegations. In connection with such investigation, Human Resources may engage professional investigatory assistance and may consult counsel. Information may be disclosed to participants in an investigation as necessary to facilitate the thoroughness and integrity of the investigation.

5. The Department of Human Resources shall prepare a written report of the investigation, including its findings and recommendations for appropriate discipline, if any, within 90 business days of receipt of the complaint.
6. In all such proceedings, the Department of Human Resources will maintain the privacy of the parties to the extent reasonably possible and/or permitted by law.
7. Department of Human Resources shall take the necessary appropriate actions following the completion of the investigation.
8. Human Resources shall maintain the files on all sexual harassment complaints.

A. Persons filing charges of sexual harassment are instructed to notify the investigator(s) of any attempt at retaliation. Retaliation by anyone is a violation of the Connecticut Fair Employment Practices Act Sec. 46a-60(b)(4) and the Civil Rights Act Sec. 704(a).

B. Department Heads will be required to and be held accountable for:

- Notifying the complainant of Employee Assistance Program Resources.
- Mediation of any informal complaints reported to them and retention of all supporting documents. The Department head may also share their findings with the Department of Human Resources.
- Notifying the Department of Human Resources of anyone wishing to file a formal complaint.

C. In the event an investigation finds that the complainant falsely accused another employee of sexual harassment knowingly or in a malicious manner, the complainant will be subject to appropriate disciplinary action up to and including termination of employment.

Issuing Authority: Justin McCarthy, Chief Administrative Officer: 

Signature

Effective Date: May 19, 2025

Previously Revised: Date 3/83 12/09
A copy of this policy is available for review at the Department of Human Resources and is also available on the City's website at http://www.cityofnewhaven.com/HumanResources/Policies.asp