

**RESOLUTION NO. 2019-104**

**RESOLUTION AUTHORIZING THE HARASSMENT AND DISCRIMINATION PROHIBITED POLICY**

**WHEREAS**, the Village of Caledonia is reviewing Personnel Manual policies to ensure consistency and legal compliance;

**WHEREAS**, the current Harassment and Discrimination Prohibited Policy needs to be updated;

**WHEREAS**, the Village has drafted with input from our Employment Attorney a Harassment and Discrimination Prohibited policy to replace the current Harassment and Discrimination Prohibited Policy in the Personnel Manual and is attached hereto as **Exhibit A**;

**WHEREAS**, the Personnel Committee of the Caledonia Village Board has reviewed the new Harassment and Discrimination Prohibited Policy, recommends adopting the new Policy; and

**NOW, THEREFORE, BE IT RESOLVED** by the Caledonia Village Board the new Harassment and Discrimination Prohibited Policy as of November 5, 2019 replaces the current Harassment and Discrimination Prohibited Policy.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 4th day of November, 2019.

**VILLAGE OF CALEDONIA**

By: James R. Dobbs  
James R. Dobbs  
Village President

Attest: Karie Pope  
Karie Pope  
Village Clerk

## **52. HARASSMENT AND DISCRIMINATION PROHIBITED POLICY**

### **I.) PURPOSE**

The purpose of this policy is to maintain a healthy work environment for all Village employees in which all individuals are treated with respect, professionalism, and dignity and to provide procedures for reporting, investigating, and resolving complaints of harassment and discrimination. It is also the policy of the Village of Caledonia to comply with all applicable federal, state and local laws which prohibit discrimination and harassment on the basis of race, color, religion, age, sex, national origin, disability, veteran status, ancestry, marital status, genetic information, or other characteristics protected by applicable federal, state and local law, and which prohibit retaliation for exercising the right to be free from discrimination or harassment. This policy is in conformance with the antidiscrimination and harassment goals contained within applicable Federal, State and local ordinance law and the goals of the Village of Caledonia.

### **II.) POLICY**

The Village is proud of its professional and congenial work environment and will take all necessary steps to ensure that the work environment remains respectful, dignified, and professional for all that work here. The Village is committed to maintaining a work environment that is free of discrimination and harassment in all phases of employment. In keeping with this commitment, all employees must treat each other with courtesy, consideration and professionalism. The Village will not tolerate harassment, discrimination, or retaliation of any employee by anyone, including supervisors, co-workers, contractors, or agents of the Village. In addition, harassment or discrimination for any prohibited reason, such a race, creed, color, disability, marital status, sex, sexual orientation, national origin, ancestry, arrest record, conviction record, membership in the national guard, state defense force or any reserve component of the military forces of the United States or this state, or use of lawful products off the employee's premises during nonworking hours is prohibited by state and federal laws, which may subject the Village and the individual violator to liability for any such unlawful conduct. With this policy, the Village prohibits not only unlawful harassment and discrimination, but also retaliation for reporting any complaint of harassment, discrimination or disrespectful conduct. Accordingly, an employee who engages in discriminatory, harassing, retaliatory or other inappropriate conduct or who fosters an environment where such conduct goes unreported or unchecked is subject to disciplinary action, up to and including immediate termination.

### **III.) PROCEDURES**

#### **A.) PROHIBITED CONDUCT**

- 1.) Conduct prohibited by this policy includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or any other visual, verbal, or physical conduct of a sexual or sex-based nature between members of the same or opposite sex where:
  - a.) Submission to the conduct is made either implicitly or explicitly a condition of the individual's employment.
  - b.) Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; or

- c.) The harassment has the purpose or effect of unreasonably interfering with the employee's work performance or creating an environment which is intimidating, hostile, or offensive to the employee.
- 2.) Sexual Harassment is not limited to sexual advances or expression of sexual desire. It may also include expressions of hostility or dislike or other inappropriate conduct toward another based upon that individual's sex or gender. Conduct prohibited by this policy also includes but is not limited to, verbal, physical, visual or other conduct relating to an individual's race, color, religion, age, national origin, disability or handicap, veteran status, ancestry, marital status, or any other characteristic protected by applicable federal, state or local law, where the conduct: (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities
- 3.) Each employee must avoid engaging in conduct that may be perceived by others as harassment or other conduct prohibited by this policy. Some examples of prohibited conduct include, but are not limited to:
  - a.) Unwanted sexual advances, flirtations, innuendo, explicit sexual propositions or demands for sexual favors in exchange for favorable treatment or continued employment.
  - b.) Threats or insinuations that the individual's employment, wages, promotional opportunities, job or shift assignments or other conditions of employment may be adversely affected by not submitting to sexual advances.
  - c.) Sexually oriented kidding, teasing, practical jokes or horseplay, jokes about gender specific traits, sexually suggestive or obscene body language or gestures.
  - d.) Display of sexually suggestive, obscene or offensive printed or visual material including viewing or displaying such material on a computer via the Internet, e-mail or other electronic means.
  - e.) Physical contact, such as touching, patting, pinching or brushing against another's body.
  - f.) Teasing or jokes referring to race, national origin, or ethnicity.
  - g.) Vulgar, obscene or other inappropriate language.
  - h.) Referring to an individual's race, age, physical or mental condition, particularly when making decisions affecting the individual in the workplace or which affect the individual's ability to perform his or her job.
- 4.) Harassment and other prohibited behavior will not be tolerated in the workplace or in any work-related environment, such as trainings, seminars or office parties. This policy covers harassment of Village employees by other employees, individuals serving on the board, commission, or committee for the Village, any agent or vendor doing business with the Village, and by any third party.

## **B.) REPORTING AND INVESTIGATION OF COMPLAINTS**

- 1.) The Village is committed to preventing harassment, to investigating complaints of inappropriate conduct, and remedying violations of this policy. All complaints of harassment must be promptly reported and will be investigated quickly and thoroughly.

- 2.) All employees have an obligation to report harassment or discrimination, whether as a victim, a target of the behavior, or as an observer. Employees should not allow an inappropriate situation to continue by not reporting it, regardless of who is creating that situation. Supervisors are responsible for monitoring the work environment and immediately addressing any prohibited behavior observed or brought to the supervisor's attention, both as a means of promptly ending inappropriate conduct and for fulfill reporting responsibilities below. No employee or supervisor should dissuade any employee from promptly reporting prohibited behavior. No employee or supervisor should assume an employee subjected to such prohibited conduct will report such behavior, even if the victim or target indicates he or she may report it.
- 3.) Employees must promptly and thoroughly report such prohibited conduct to their Supervisor. In the event that their Supervisor is unavailable, if their Supervisor is the subject of such conduct or investigation for harassment, or the employee is not comfortable reporting to their Supervisor, then the employee should instead promptly report the prohibited conduct to either of the following: the Village Administrator or the Human Resource Director/Assistant Village Administrator. If both the Administrator or Human Resource Director/Assistant Village Administrator are unavailable, then the employee should promptly report to the Village Board President.
- 4.) The Human Resource Director/Assistant Village Administrator will be made aware of all harassment complaints. An Anti-Harassment Committee, comprised of the Administrator and the Human Resources Director or their respective designees will be responsible for investigating complaints of harassment. If the complaint involves the conduct of the Village Administrator, then the Anti-Harassment Committee, comprised of the Human Resources Director and Village Board President or their respective designees will be responsible for investigating complaints of harassment. If the complaint involves the conduct of the Human Resources Director, then the Anti-Harassment Committee, comprised of the Administrator and the Village Board President or their respective designees will be responsible for investigating complaints of harassment.
- 5.) In response to every complaint, the Committee must notify the Village President that a complaint was made.
- 6.) The Committee will investigate the complaint thoroughly and promptly, and notify the complainant that an investigation will be undertaken. Reasonable measures will also be taken to protect all employees, including the reporting employee, from any retaliatory behavior. These measures might include temporary reassignments or separating the alleged harasser and the reporting or affected employee(s).

### **C.) RESPONSIVE ACTION**

- 1.) If the investigation identifies a violation of this policy, then the Village will undertake appropriate corrective action designed to rectify the conduct and prevent any recurrence. Corrective action includes such discipline up to and including immediate termination of employment, as is appropriate. The results of the investigation will be communicated to the Village President. The Village may take other appropriate and remedial action including training, reassignment, and other creative measures. Although total confidentiality cannot be promised, if a proper and thorough investigation is to be conducted, the Village will, in its discretion, attempt to discuss complaints and the terms of their resolution only to the extent necessary and as is practicable and appropriate under the circumstances. Information

necessary to complete the investigation of inappropriate conduct, discrimination or harassment, including the identity of the employee allegedly engaging in the conduct, the employee who is the target of such conduct, and the content of the accusations, will be disclosed as necessary during the investigation and any investigatory interviews of witnesses.

**D.) RETALIATION IS PROHIBITED**

1.) All employees shall respect the right of their fellow coworkers to make legitimate complaints of inappropriate or offensive conduct. Employees should not gossip, spread rumors, ignore, or be hostile towards coworkers who have made complaints under this Policy. If an employee believes that he or she has been retaliated against in any way for making a complaint under this policy, he or she should report such retaliation in the same manner as set forth in the “Reporting” section above.

**2.) False Accusations**

If an investigation results in a finding that an individual made false or bad faith accusations of discrimination, harassment, inappropriate conduct, or retaliation, the accuser may be subject to disciplinary action, up to and including immediate termination.

Revised: 10/29/19  
Effective: November 5, 2019  
Resolution: 2019-104