

**RESOLUTION 2013-019  
RESOLUTION READOPTING  
THE ANTI-HARASSMENT POLICY  
OF THE BORDENTOWN SEWERAGE AUTHORITY**

WHEREAS, The Bordentown Sewerage Authority is unequivocally opposed to discrimination against, or harassment of, any individual that is based on race, creed, color, national origin, nationality, ancestry, age, sex (including pregnancy), marital status, domestic partnership or civil union status, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for military service, and mental or physical disability, perceived disability, and AIDS and HIV status; and

WHEREAS, the Authority will not tolerate such discrimination or harassment in the workplace or outside of the workplace if it creates in the workplace a hostile, offensive or intimidating environment; and

WHEREAS, in an effort to prevent such discrimination or harassment, the Authority hereby readopts its "Anti-Harassment Policy and Procedure" in the form attached, which it shall enforce; and

WHEREAS, the Anti-Harassment Policy and Procedure shall be posted in prominent places throughout the workplace and shall be distributed to all employees; and

WHEREAS, the Authority shall require that all employees and supervisors receive periodic training concerning their rights and obligations under the Anti-Harassment Policy and Procedure.

NOW, THEREFORE, BE IT RESOLVED by The Bordentown Sewerage Authority this 19<sup>th</sup> of February, 2013 that the Anti-Harassment Policy and Procedure be and the same is hereby readopted in the form attached to this resolution.

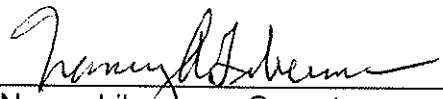
BE IT FURTHER RESOLVED that the Executive Director be and the same is hereby charged with the responsibility of posting copies in prominent places throughout the workplace, in distributing copies to all employees and in arranging training for all employees and supervisors concerning their rights and obligations under the Anti-Harassment Policy and Procedure.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

THE BORDENTOWN SEWERAGE AUTHORITY

By:   
Ronald L. Marino, Chairman

Attest:

  
Nancy Liberman, Secretary

# **THE BORDENTOWN SEWERAGE AUTHORITY ANTI-HARASSMENT POLICY AND PROCEDURE**

## **POLICY**

The Bordentown Sewerage Authority is committed to a workplace free from harassment and discrimination that is based on race, creed, color, national origin, nationality, ancestry, age, sex (including pregnancy), marital status, domestic partnership or civil union status, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for military service, and mental or physical disability, perceived disability, and AIDS and HIV status. Such harassment is a violation of federal and state discrimination laws. *THE AUTHORITY WILL NOT TOLERATE SUCH MISCONDUCT.* This policy applies to all employees as well as to customers and others who come in contact with Authority employees. *REPRISALS AGAINST THOSE WHO MAKE COMPLAINTS UNDER THIS POLICY WILL NOT BE TOLERATED.* Violators of this policy will be subject to discipline, up to and including discharge, and may be subject to any other liability authorized under applicable law.

## **WHAT IS HARASSMENT**

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, creed, color, national origin, nationality, ancestry, age, sex (including pregnancy), marital status, domestic partnership or civil union status, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for military service, and mental or physical disability, perceived disability, and AIDS and HIV status, or that of his or her relatives, friends, or associates, 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 opportunities.

## **EXAMPLES OF HARASSING CONDUCT**

Harassing conduct includes, but is not limited to, the following: (i) negative comments, epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts, that relate to race, creed, color, national origin, nationality, ancestry, age, sex (including pregnancy), marital status, domestic partnership or civil union status, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for military service, and mental or physical disability, perceived disability, and AIDS and HIV status; and (ii) written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, creed, color, national origin, nationality, ancestry, age, sex (including pregnancy), marital status, domestic partnership or civil union status, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for military service, and mental or physical disability, perceived disability, and AIDS and HIV status and that is placed on walls, bulletin boards, or elsewhere on the employer's premises, or circulated in the workplace.

## **SEXUAL HARASSMENT**

Sexual harassment, one of the prohibited categories of harassment, is comprised of unwelcome sexual advances, requests for sexual favors, conduct of a sexual nature or harassment based on the gender when:

1. Submission to such conduct is either implied or stated to be a term or condition of employment or a factor in the evaluation of the employee's performance, advancement or any other component of employment ("quid pro quo sexual harassment"), or
2. Such conduct interferes, either directly or indirectly, with an employee's work performance or creates a hostile, offensive or intimidating environment ("hostile work environment sexual harassment").

### **QUID PRO QUO SEXUAL HARASSMENT**

It is a violation of this policy for any person to use his or her authority to make any sexual advance towards an individual over whom the person has the ability to make, recommend or influence job-related decisions; or to grant, recommend or refuse to take job-related actions in exchange for sexual favors; or to make or fail to make a job-related decision against an individual as a reprisal for rejecting or reporting a sexual advance.

### **HOSTILE WORK ENVIRONMENT SEXUAL HARASSMENT**

Verbal sexual harassment may include, but is not necessarily limited to, sexually vulgar language, remarks about an individual's physical anatomy or derogatory comments about gender. Distribution or display of written or graphic sexual material, sexually oriented magazines or posters, display of nude pictures, or other words or depictions of a sexual nature can create a hostile work environment and are prohibited. Harassing conduct need not be sexual in nature to be sexual harassment. Harassing conduct directed at a person because of that person's sex if severe or pervasive will violate this policy.

Physical sexual harassment may include, but is not necessarily limited to, touching oneself or others in a sexual manner or invading personal privacy, especially the intentional touching of breasts and genital areas or buttocks or threats to take such actions.

### **STANDARD FOR DETERMINING WHETHER CONDUCT CONSTITUTES A HOSTILE WORK ENVIRONMENT**

The standard for determining whether verbal or physical conduct relating to race, creed, color, national origin, nationality, ancestry, age, sex (including pregnancy), marital status, domestic partnership or civil union status, affectional or sexual orientation, gender identity or

identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for military service, and mental or physical disability, perceived disability, and AIDS and HIV status is sufficiently severe or pervasive to create a hostile or abusive work environment is whether a reasonable person in the same or similar circumstances would find the conduct intimidating, hostile, or abusive. The "reasonable person" standard includes consideration of the perspective of persons of the alleged victim's race, creed, color, national origin, nationality, ancestry, age, sex (including pregnancy), marital status, domestic partnership or civil union status, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for military service, and mental or physical disability, perceived disability, and AIDS and HIV status. For example, if the conduct is sexual harassment and the victim is a woman, the conduct will be evaluated from the viewpoint of the "reasonable woman." If directed to a man, the "reasonable man" standard will apply. It is not necessary that a victim of prohibited harassment suffer psychological harm or that a complaining employee be the intended target of the prohibited conduct.

## **RESPONSIBILITIES OF SUPERVISORS**

Supervisors are expected to assist the Authority to maintain a work environment that is free from harassment and discrimination. Supervisors are expected to take all complaints of harassment or discrimination seriously, including sexual harassment, and to immediately refer such complaints to the persons authorized to receive complaints under the Authority's Procedure set forth below. Supervisors are also expected to report any instances of harassment or discrimination that they may personally observe in the workplace, regardless of whether a complaint is made.

## **PROCEDURE**

The Authority is committed to a workplace free from harassment and discrimination. The Authority takes this commitment seriously. In order to ensure that the policy is being followed in the workplace, the Authority has adopted a complaint procedure for employees to follow. It is the responsibility of any employee who feels that he or she has been the victim of illegal harassment or discrimination to follow this procedure.

Any employee who feels harassed by a supervisor, manager, co-worker, subordinate, customer or other person should take the following course of action:

Step 1. Promptly tell the offending individual(s) to stop the harassment. State your objection to the action and the specific behavior to which you object. Have a witness present if possible. Note the time and date of the discussion and write a summary of what you said and how the offender responded. If uncomfortable with a discussion with the harassing individual(s), state your objection in writing and keep a copy. In any harassment case, documentation can help support contentions of harassment. Keep a log of the specifics of the actions to which you object. Record dates, times and witnesses. Keep copies of any notes or materials.

Step 2. If Step 1 does not resolve the problem, or if you fear reprisals will result from confronting the offender, or if you do not feel comfortable confronting the offending party in person or in writing, keep a log of all occurrences and complain as soon as possible (within 48 hours) to Richard D. Eustace, Executive Director or Judith W. Klim, Administrative Manager. You may complain to any of the above, even if that person is not in your immediate department.

Upon receiving a Step 2 complaint, the Authority will immediately begin an investigation. All complaints will be handled in a timely fashion. Your complaint and all the details of the investigation will be treated as confidential information. Only those involved in the investigation, witnesses to the alleged harassment and the alleged harasser will be contacted. Your identity, as far as possible, will be withheld from all involved parties. The Authority will attempt to do the utmost to protect the privacy of the complainant. Nonetheless, your identity may be revealed to individuals such as those investigating or reviewing the situation, potential witnesses and the alleged harasser. The Authority will also attempt to protect the reputation of any individual who may have been wrongfully accused of prohibited harassment.

Any employee allegedly involved in the harassment will not participate as a decision maker on the determination of whether prohibited harassment occurred or the penalty to be imposed. While the investigation should be thorough and complete, it should not take longer than 14 days. Throughout the investigation and after the determination of penalty, if any, there will be no reprisals against any person who complains of prohibited harassment based on the making of a complaint.

Step 3. You or the alleged harasser may appeal the findings of the investigation to the members of the Authority. Any employee allegedly involved in the harassment is excluded from the appeal decision-making process.

Only the victim and the alleged harasser will be told the final disposition of the complaint. Details of the investigation will be released only in the event of a court proceeding or to a governmental investigating agency upon receipt of an appropriate request for such information.

## **HARASSMENT BY CLIENTS**

Authority policy prohibits the types of workplace harassment discussed in this Policy from any source. The Procedure described above should also be followed in cases alleging harassment by customers and vendors. If investigation substantiates the charge, the Authority will take prompt remedial action. Possible remedial steps range from letter of objection to the accused to refusal to continue the business relationship. Employees who file complaints against customers should be aware of the limits on the Authority's ability to control customers' behavior.