



FCCOA Sexual Harassment policy

Policy brief & purpose

Fairfield County Council on Aging (FCCOA) is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. FCCOA has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace. This policy is one component of FCCOA's commitment to a discrimination-free work environment.

What is sexual harassment?

Sexual harassment has many forms of variable seriousness. A person sexually harasses someone when they:

- Insinuate, propose, or demand sexual favors of any kind.
- Invade another person's personal space (e.g., inappropriate touching.)
- Stalk, intimidate, coerce, or threaten another person to get them to engage in sexual acts.
- Send or display sexually explicit objects or messages.
- Comment on someone's looks, dress, sexuality or gender in a derogatory or objectifying manner or a manner that makes them uncomfortable.
- Make obscene comments, jokes or gestures that humiliate or offend someone.
- Pursue or flirt with another person persistently without the other person's willing participation.

Also, flirting with someone at an inappropriate time (e.g., in a team meeting) is considered sexual harassment, even when these advances would have been welcome in a different setting. This is because such actions can harm a person's professional reputation and expose them to further harassment.

The most extreme form of sexual harassment is sexual assault. This is a serious crime, and our company will support employees who want to press charges against offenders.

Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with FCCOA, or with a government agency or in court under federal, state, or local antidiscrimination laws.

Policy:

1. FCCOA's Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with FCCOA.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
3. **Retaliation Prohibition:** No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise

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subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. FCCOA has a zero-tolerance policy for such retaliation against anyone who, in good faith complains or provides information about suspected sexual harassment. Any employee of FCCOA who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee paid or unpaid intern, or non-employee working in the workplace who believes they have been subject to such retaliation should inform the FCCOA director, the FCCOA assistant or the FCCOA board president. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also seek compensation in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects FCCOA to liability for harm to victims of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be penalized for such misconduct.
5. FCCOA will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. FCCOA will provide all employees a complaint form for employees to report harassment and file complaints.
7. FCCOA staff are required to report any complaint that they receive, or any harassment that they observe to the FCCOA director.
8. This policy applies to all employees, paid or unpaid interns, and *non-employees and all must follow and uphold this policy. This policy must be posted prominently in all work locations and be provided to employees upon hiring.

*A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in this work environment. Protected non-employees include persons commonly referred to as independent contractors.

How to report sexual harassment

- If you are being sexually harassed (or suspect another person is being harassed), please report it to either the Executive Director (ED) or the Director of Operations (DO). In serious cases like sexual assault, please call the police and inform the DO that you plan to press charges.
- To report sexual harassment within our company, there are two options:

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- Arrange for an immediate/urgent meeting with the ED. Once in the meeting, explain the situation in as much detail as possible. If there is any hard evidence (e.g., emails), forward it or bring it to the meeting.
- Send a complaint via email and attach any evidence or information that can be used in the investigation. The ED and DO will discuss the issue and contact you as soon as possible.

If you report assault to the police, FCCOA will provide any possible support until the matter is resolved. All supervisors will ensure you are not victimized and that you have access to relevant evidence admissible in court, like security video footage or emails (without revealing confidential information about other employees.)

Inadvertent harassment

If you suspect that someone doesn't realize their behavior is sexual harassment under the definition of this policy, let them know and ask them to stop. Do so preferably via email so you can have written records.

Please do not use this approach when:

- Your manager, an upper manager, investor, or customer is the perpetrator.
- Sexual harassment goes beyond the boundaries of off-hand comments, flirting or jokes.

In the above cases, report to the ED as soon as possible.

Disciplinary action and repeat offenders

Employees who are found guilty of sexual assault will be terminated after the first complaint and investigation.

Employees who are found guilty of sexual harassment (but not assault) the first time may:

- Be reprimanded and with an official note added to their employee file.
- Get a "below expectations" performance review.
- See expected promotions and/or salary increases freeze for [a year.]

Appropriate actions will be taken to protect the victims. Repeat offenders after the second claim of harassment will be terminated if investigations conclude they are indeed guilty.

All disciplinary actions will be performed uniformly. Employees of any sexual orientation or other protected characteristics will be penalized the same way for the same offenses.

Executive Director Responsibilities

First and foremost, the ED should try to prevent sexual harassment by building a culture of respect and trust. But, when sexual harassment occurs and an employee makes a complaint, the ED and/or DO must act immediately.

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The ED and DO should explain FCCOA's procedures to the team member who made the complaint.

When the ED or DO receives a complaint that an employee harasses another employee, they will:

- Ask for as many details and information as possible from the person or people making the complaint.
- Keep copies of the report with dates, times and details of incidents and any possible evidence in a confidential file (separate from the personnel file.) DO should update this file with all future actions and conversations regarding this complaint.
- Launch an investigation. If the matter is complex, the DO person can defer to a more senior manager.
- Check if there have been similar reports on the same person. If so, ED must prepare for the employee's removal once the investigation is over.
- Inform the harassed employees of the company's procedures and their options to take legal action if appropriate.
- Take into account the wishes of the harassed employee. Some might want the matter to be resolved informally and discreetly, while others might expect more radical actions (e.g., transferring the perpetrator.) The ED and DO should consider the circumstances and decide on appropriate action.
- Contact the harasser and set up a meeting to explain the complaint and explicitly ask for this behavior to stop, or,
- Arrange for mediation sessions with the two employees (harasser and perpetrator) to resolve the issue, if the harassed employee agrees or,
- Launch a disciplinary process depending on the severity of the harassment. In cases of sexual assault or coercing someone to sexual favors under threats, FCCOA will terminate the harasser immediately. Employees who are found guilty in a court of law of sexually assaulting another employee--even if FCCOA has not conducted its own investigation—will be terminated immediately.

The executive staff must not, under any circumstances, blame the victim, conceal a report, or discourage employees from reporting sexual harassment.

Helping harassment victims

Apart from investigating claims and punishing perpetrators, FCCOA wants to support the victims of sexual harassment. If you experience trauma, stress, or other symptoms because of harassment, consider:

- [Taking a few days of sick leave to restore your mental health.]
- [Asking your insurance provider whether they cover mental health services.]
- [Talking to our DO to evaluate options.]

Your job and benefits will not be jeopardized or altered if you choose any of those options or other means to recovery.

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Speak up, we listen

Sexual harassment can exhaust those who endure it. Speaking up about this issue is often tough for fear of not being heard, upsetting managers, and challenging corporate culture.

FCCOA will do everything possible to stop sexual harassment and any other kind of harassment from happening, while supporting harassed employees. If you or someone you know has been subject to sexual harassment in the work environment, meet with one of the executive staff immediately so that actions can be taken to protect you and others who may be suffering.

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If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to either the Executive Director or the Board Chair. (If the perpetrator is one of these two, then report to the Town Manager). Once you submit this form, your employer must follow its sexual harassment prevention policy and investigate any claims.

If you are more comfortable reporting verbally or in another manner, your employer is still required to follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form

COMPLAINANT INFORMATION

Name:

Home Address:

Work Address:

Home Phone:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method: (please select one)

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made against:

Name:

Title:

Work Address:

Work Phone:

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Complaint Form for Reporting Sexual Harassment

Relationship to you (Please circle answer):

Supervisor Subordinate Co-Worker Other

2. Please describe the conduct or incident(s) that is the basis of this complaint and your reasons for concluding that the conduct is sexual harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? (Please circle answer) Yes No

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:

- 1. _____
- 2. _____
- 3. _____

The last two questions are optional but may help facilitate the investigation.

5. Have you previously complained or provided information (verbal or written) about sexual harassment at FCCOA?

(Please circle answer) Yes No

If yes, when and to whom did you complain or provide information? (Employees that file complaints with their employer might have the ability to get help or file claims with other entities including federal, state or local government agencies or in certain courts.)

6. Have you filed a claim regarding this complaint with a federal, state, or local

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government agency? (Please circle answers)

Yes No

Have you instituted a legal suit or court action regarding this complaint?

Yes No

Have you hired an attorney with respect to this complaint?

Yes No

I request that FCCOA investigate this complaint of sexual harassment in a timely and confidential manner as outlined below and advise me of the results of the investigation.

Signature: _____ Date: _____

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