**HAINES BOROUGH**

**Policy Against Unlawful Harassment**

Adopted December 5, 2001

Amended by change from City of Haines to Haines Borough 2/12/2003

In addition to prohibiting other forms of unlawful discrimination by employees, the Haines Borough specifically prohibits sexual harassment and harassment because of race, color, national origin, ancestry, religion, physical or mental disability, medical condition, marital status, age, and any other status protected by federal, state or local law. All such harassment is unlawful and will not be tolerated. The Borough is committed to taking all reasonable steps to prevent discrimination and harassment from occurring.

***Sexual harassment defined.*** Federal law defines sexual harassment as unwanted sexual advances, requests for sexual favors, or visual, verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made a term or condition of employment; (2) submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment includes many forms of offensive behavior. The following is a partial list:

* Offering employment benefits in exchange for sexual favors
* Making or threatening reprisals after a negative response to sexual advances
* Displaying sexually suggestive objects or pictures, cartoons or posters
* Verbal conduct: making or using derogatory comments, epithets, slurs, sexually explicit jokes, lewd comments about an employee's body, dress, or conduct
* Verbal sexual advances or propositions
* Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes or invitations
* Physical conduct: touching, assaulting, impeding or blocking movements

It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment on the job is unlawful whether it involves coworker harassment, harassment by a supervisor or manager, harassment of or by a member of the public, or harassment by a person doing business with or for the Borough.

***Complaint procedure.***To protect its employees from unlawful harassment, the Borough must be able to rely on its employees to notify it of any perceived harassment. If the Borough does not know about the harassment, it cannot take the necessary measures to correct it. Employees should not assume that anyone in authority knows about a perceived harassment until they have informed the appropriate authority.

The Borough’s complaint procedure provides for an immediate, thorough and objective investigation of any unlawful harassment claim, appropriate disciplinary action against one found to have engaged in prohibited harassment, and appropriate remedies for any victim of harassment.

An employee who believes he or she has been unlawfully harassed on the job, or who is aware of the harassment of another person, must provide a written or verbal complaint to the employee’s supervisor or to the Manager. If the supervisor is the subject of the complaint, the employee must submit the complaint in writing to the Manager. If the Manager is the subject of the complaint, the employee must submit the complaint in writing to the Borough Clerk, who will forward the complaint to the Borough Assembly. The complaint must include details of the incident(s), the names of the individuals involved, and the name of any witness. All incidents of unlawful harassment that are reported will be investigated.

If the Borough determines that unlawful harassment has occurred, it will take remedial action commensurate with the circumstances, and will also take appropriate action to deter any future harassment. Such action may include discipline, up to and including termination, depending on the severity of the violation; and criminal prosecution.

***Protection against retaliation.***The Borough's policy and the law prohibit retaliation against any employee by another employee or by the Borough for using this complaint procedure or for filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by a federal or state enforcement agency.

Additionally, the Borough will not knowingly permit any retaliation against any employee who complains of unlawful harassment or who participates in an investigation. The Borough prohibits retaliation against any employee who opposes unlawful harassment. Any report of retaliation by the one accused of harassment, or by co-workers, supervisors, or managers, will be immediately, effectively and thoroughly investigated. Bear in mind, however, that the protection from retaliation is not a protection from unrelated disciplinary action.

***Liability for unlawful harassment.***An employee who engages in unlawful harassment, including any manager who knows about harassment and takes no action to stop it, may be held personally liable for monetary damages. The Borough will not pay damages assessed personally against an employee under this circumstance.