

Original
(initials)

ORDINANCE NO. 96-7

AN ORDINANCE ESTABLISHING THE SEXUAL HARASSMENT POLICY
OF THE BOROUGH OF HILLSDALE

BE IT ORDAINED by the Mayor and Council of the Borough of
Hillsdale as follows:

SECTION 1. The Borough of Hillsdale hereby adopts a formal
Policy on Sexual Harassment which shall be distributed to every
employee of the Borough of Hillsdale and which shall be strictly
enforced.

BOROUGH OF HILLSDALE
SEXUAL HARASSMENT POLICY

Definition: Sexual harassment is defined as: unwelcome sexual
advances, requests for sexual favors and other verbal or physical
conduct based on gender when:

Submission to such conduct is made either explicitly or
implicitly a term or condition of an individual's
employment; or

Submission to or rejection of such conduct by an individual
is used as the basis for employment decisions affecting such
individual; or

Such conduct has the purpose or effect of unreasonably
interfering with an individual's work performance or
creating an intimidating, hostile or offensive working
environment including, but not limited to:

Gender Harassment: Generalized gender-based remarks and
behavior

Seductive Behavior: Inappropriate, unwanted, offensive
physical or verbal sexual advances

Sexual Bribery: Solicitation of sexual activity or
other sex-linked behavior by
promise of reward

Sexual Coercion: Coercion of sexual activity by
threat of punishment

Sexual Assault: Gross sexual imposition such as
touching, fondling, grabbing or
assault

Policy: All employees, female or male, shall be permitted to
work in an environment free from all forms of unlawful
discrimination and conduct which can be considered harassing,
coercive or disruptive, including sexual harassment. Sexual
harassment is a form of employee misconduct which undermines the
integrity of the employment relationship. Sexual harassment
debilitates morale and interferes with work productivity and,
therefore, will not be tolerated.

Procedure:

Supervisory

In order to ensure the integrity of the work environment, supervisory personnel are required to ensure adherence to and compliance with this policy; and, upon being informed of possible sexual harassment, are required to take appropriate immediate action in response, including informing employees of their right to file a discrimination complaint with the Administrator.

Employee

Employees are encouraged, whether directly or through a third party, to notify the alleged harasser that the behavior in question is offensive and unwelcome. However, failure to do so does not preclude filing a complaint. Employees are encouraged to promptly report all alleged incidents of sexual harassment to the Borough Administrator.

Contents of Filing

The complaint filed must include the following information:

1. The name of the complainant;
2. The name of the charged party;
3. The nature and circumstances, in detail, of the alleged sexual harassment, including but not limited to, the injuries or consequences suffered by the complainant, the names of any witnesses to such actions and the duration of the actions questioned; and
4. Whether such harassment has been previously reported to a supervisor or other person, and if so, when and to whom.

Nothing in this section shall prevent the complainant from providing other information or documents they believe are essential to the fair adjudication of their case.

The initial complaint may be made orally or in writing. If the complaint is made orally, the Administrator shall reduce same to a written document, which shall, if it is deemed accurate, be signed by the complainant.

The Borough Administrator is hereby designated as the Sexual Harassment Officer. The Borough Clerk is hereby designated as the alternate officer. Persons who, by reason of the circumstances, are uncomfortable directing a complaint to the Borough Administrator may report same to the alternate officer.

Investigation of Filed Complaints

A complaint of sexual harassment shall be investigated by the Borough Administrator in a timely manner and shall include, but not be limited to:

- a. Interviewing the complainant in detail;
- b. Interviewing all potential witnesses, including those persons who may have knowledge of similar incidents;
- c. Interviewing the charged party in detail;

- d. Reviewing municipal files for similar incidents involving the complainant and the charged party;
- e. Assessing the presence or absence of corroborative evidence for either party.

Confidentiality

To the extent possible, the sexual harassment investigative proceedings will be conducted in manner to protect the confidentiality of the complainant, the alleged harasser and all witnesses. All parties involved in the proceedings will be advised to maintain strict confidentiality, from the initial meeting to the final decision, to safeguard the privacy and reputation of all involved.

Retaliation

It shall be a violation of this policy for any employee to take reprisals against any person because she/he has filed a complaint, testified or assisted in any proceeding under this policy. Threats, other forms of intimidation, and/or retaliation against the complainant or any other party based on involvement in the complaint process may be cause for disciplinary action.

Protection of All Parties

All complaints will be addressed by the Borough Administrator. The alleged harasser will be notified once a formal complaint is filed with the Administrator. A finding of no probable cause as a result of an investigation does not necessarily establish that an accusation is false. However, this policy shall not be used to intentionally bring frivolous or malicious charges against an employee.

Disciplinary Action

Disciplinary action for employees found in violation of this policy may be progressive in nature, but not required to be, and may include:

- Written reprimand
- Suspension (with or without pay)
- Demotion
- Termination
- Referral to the criminal justice system

Exhaustion of Remedies

To the extent permitted by law, the Borough will not be liable for damages obtained as a result of a decision of a non-local agency or court of superior administrative remedies described herein.

Training

Employees of the Borough shall be provided with training, by a person trained to lead or implement such training, which shall include a detailed discussion of the following:

1. A detailed explanation of what constitutes sexual harassment;
2. The procedures for filing a sexual harassment charge;
3. The procedures to be followed in the investigation of a sexual harassment charge;
4. Management's obligation regarding incidents of sexual harassment.
5. Record keeping requirements

False Accusations

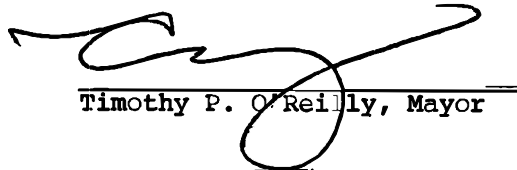
Since a charge of sexual harassment is a grave and serious one, false accusations of sexual harassment are, and will be treated as, a disciplinary offense and will result in a level of punishment appropriate for a person actually engaging in such behavior.

A person who knowingly and/or recklessly fails to give truthful testimony to the Borough Administrator shall also be guilty of having made false accusations.

SECTION 2. Should any article, section, subsection, paragraph, sentence, clause or phrase of this Ordinance be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the article, section, subsection, paragraph, sentence, clause or phrase thereof directly involved in the controversy in which said judgment shall have been rendered.

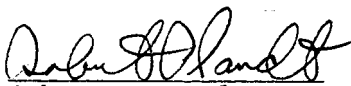
SECTION 3. This Ordinance shall take effect immediately upon passage and publication according to law.

APPROVED: June 11, 1996



Timothy P. O'Reilly, Mayor

ATTEST:


Robert P. Sandt, RMC
Borough Clerk