

CITY OF MANCHESTER WORKPLACE-RELATED INCIDENTS OF HARASSMENT, SEXUAL MISCONDUCT, DOMESTIC VIOLENCE AND DATING VIOLENCE PREVENTION POLICY

I. Purpose

The City of Manchester (the City) institutes this policy as part of its commitment to a safer and more supportive organizational climate and to the prevention and reduction of the incident and effects of domestic violence, sexual violence and stalking (hereinafter “violence”) at the workplace. The City recognizes that domestic violence, sexual violence and stalking present unique issues for its workforce.

Domestic violence, sexual violence and stalking are workplace issues even if incidents occur elsewhere. Domestic violence, sexual violence and stalking cross economic, educational, cultural, age, gender, racial and religious lines and occur in a wide variety of contexts.

II. Definitions

“**Adjudication**” includes a conviction, issuance of a final protection order, court-ordered diversion or other judicial finding that the employee, volunteer, consultant or contractor has engaged in domestic violence, dating violence, sexual assault or stalking. The recipient may choose to include additional related offenses such as sex trafficking as adjudications.

“**Domestic violence,**” “**dating violence,**” “**sexual assault**” or “**stalking**” have the meanings given in 34 U.S.C. §12291(a).

“**Sexual misconduct**” means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual’s employment; unreasonably interferes with an individual’s work performance or creates an intimidating, hostile or offensive work environment, whether such activity is carried out by a supervisor or by a co-worker, volunteer or contractor.

An individual is considered to be in the “**workplace**” of the recipient or subrecipient while in or using the resources of; the recipient’s or subrecipient’s offices or facilities; using its equipment or vehicles; engaging in approved telework; on work-related travel or otherwise conducting business on behalf of the recipient or subrecipient. The availability and nature of the response to a workplace-related incident may depend on the location at issue.

“**Workplace-related incidents**” of sexual misconduct, domestic violence and dating violence include acts, attempted acts or threatened acts by or against employees, consultants, volunteers or contractors that occur in the workplace or that occur outside the workplace but have an impact on the workplace or otherwise undermine the ability of the recipient or subrecipient to carry out the grant-funded project.

III. Persons Coved by this Policy

Persons covered by this policy include full and part-time employees, interns, contractors, volunteers or temporary workers engaged by the City or in any workplace location.

IV. Statement of Confidentiality

The City recognizes and respects an employee's right to privacy and the need for confidentiality and autonomy. The City shall maintain the confidentiality of an employee's disclosure regarding violence to the extent allowed by law and unless to do so would result in physical harm to any person and/or jeopardize safety within the workplace. When information must be disclosed to protect the safety of individuals within the workplace; the City shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others and to comply with the law. The City shall provide advance notice to the employee who disclosed information, to the extent possible, if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere. The City shall also provide the employee with the name and title of the person to whom the City intends to share the employee's statements and shall explain the necessity and purpose regarding said disclosure.

V. Employer Response to Violence

A. Non-Discrimination and Non-Retaliation

The City will not discharge or in any manner discriminate or retaliate against an employee because of the employee's status as a victim of domestic violence, sexual violence or stalking if the victim provides notice to the organization of the status or the organization has actual knowledge of the status.

B. Reporting by Employees with Information about Violence

Employees who have information about or witness an act of violence perpetrated by an employee or who have information about or witness violence against an employee are required to report all information to the designated person in the City's organization. The City will not retaliate against, terminate or discipline any employee for reporting information about alleged incidents of violence, as defined in this policy that may have been committed by any other employee, including a member of management. Prohibited acts of retaliation include, but are not limited to, demotion or withholding of earned pay, as well as acts of personal retaliation, such as those related to an employee's immigration status or sexual orientation, for example.

C. Responses to Workers who Commit Violence

If the City receives information that alleges or suggests that an employee has committed an incident of workplace-related or non-workplace violence, as defined in this policy, or if any manager receives information that any employee has engaged in any incident of workplace-related or non-workplace violence; then the matter shall be referred to the designated executive for the purposes of investigating the information or allegation. The City shall conduct an immediate investigation of the information or allegation, which investigation shall be completed within 45 days of receipt of the information or allegation concerning the alleged incident of violence.

At the conclusion of the investigation conducted by the City; the investigator shall report her or his findings to the designated official. If the investigator concludes, by a preponderance of the evidence, that the employee has engaged in a workplace-related incident or non-workplace incident, as defined in this policy; then that employee shall be subject to disciplinary action up to and including termination. The employee might also be required to participate in counseling or other remedial measures.

VI. Reporting by Employees who are Victims

Employees who are victims of domestic violence, sexual assault and stalking and employees who are concerned about coworkers who might be victims are encouraged to provide a report to the City. The City has designated the Mayor/City Manager as the person to whom such reports should be made. The City's designated employee shall provide community referrals and resources to employees in order to assist employees with their concerns or experiences regarding violence.

Employee Acknowledgement

This acknowledges that I have received a copy of the City's policy to prevent Workplace-Related Incidents of Harassment, Sexual Misconduct, Domestic Violence and Dating Violence and acknowledges that I am expected to read, understand and adhere to the City's Workplace-Related Incidents of Harassment, Sexual Misconduct, Domestic Violence and Dating Violence policy. I understand if I have questions regarding the contents of this policy; I should ask Human Resource for clarification.

Employee signature

Date

Employee's typed or printed name