

**EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

RESOLUTION 09-45

**A RESOLUTION ESTABLISHING A SEXUAL HARASSMENT POLICY FOR
AUTHORITIES, BOARDS AND COMMISSIONS, AND OTHER ADVISORY
GROUPS APPOINTED BY THE BOARD OF SUPERVISORS**

WHEREAS, sexual harassment is a prohibited form of discrimination under state and federal law; and;

WHEREAS, East Goshen Township strictly prohibits sexual harassment by members of its Authorities, Boards and Commissions ("ABC's") and any other Advisory Group(s) appointed by the Board of Supervisors in any form and by any person; and

WHEREAS, it is the policy of East Goshen Township that all ABC and Advisory Group members have the right to perform their duties in an environment free of all forms of sexual harassment, and to provide procedures for reporting, investigating and swiftly resolving complaints of sexual harassment, whether verbal or otherwise; and

WHEREAS, specifically, it is both illegal and against the policies of the Township to sexually harass an ABC or Advisory Group member by making unwelcome sexual flirtations, advances or propositions or by creating an intimidating, hostile or offensive meeting environment through verbal abuse or physical conduct of a sexual nature; and

WHEREAS, the Township recognizes that the question of whether a particular action or incident is a purely personal, social relationship, without a discriminatory effect, requires a factual determination based upon all of the facts of a particular situation. Given the nature of this type of discrimination, the Township also recognizes that false accusations of a sexual harassment can have serious effects on innocent men and women, and, where proven, will subject the offender to disciplinary action.

BE IT RESOLVED THAT the Board of Supervisors hereby adopts the following:

Definition: Sexual harassment is defined as unwelcome sexual advances, request for sexual favors, propositions, or suggestions, and other verbal or physical conduct of a sexual nature. Examples of acts of sexual harassment that shall not be tolerated include, but are not limited to:

1. Written - suggestive or obscene letters, poems, notes or invitations;
2. Verbal - derogatory comments, epithets, slurs or jokes;
3. Physical - impeding or blocking movement, touching, patting, pinching, or any other unnecessary physical interference with normal activity;

4. Visual - sexually oriented gestures, display of sexually suggestive or derogatory objects, pictures, cartoons, posters or drawings; and
5. Other - threats or insinuations that lack of sexual favors will result in reprisal, punitive action, change of assignment, or without support for appointment.

Prohibition: The Township will not tolerate sexual harassment by anyone against an ABC or Advisory Group member or sexual harassment by an ABC or Advisory Group member. Sexual harassment in Township public meetings and workshops is strictly forbidden. Sexual harassment is a violation of Federal and State laws. Therefore, all Federal and State laws relating to sexual harassment or sex discrimination, or both, will be enforced.

Prohibited actions: Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature when:

1. Submission to or rejection of the conduct is made either explicitly or implicitly a condition of approval an applicant's business with the Township; and/or
2. Submission to or rejection of the conduct by an individual is used as a basis for making a decision affecting the individual's business with the Township; and/or
3. The conduct has the purpose or effect of unreasonable interference with an ABC or Advisory Group member's performance of his or her duties, or creates an intimidating, hostile or offensive meeting and/or workshop environment.

Prohibited sexual harassment may also include actions by members of the opposite sex of an employee as well as members of the employee's own sex. Prohibited sexual harassment may include actions which are overtly sexual or other actions if the actions constitute gender-based discrimination.

Disciplinary action: An ABC or Advisory Group member who engages in or knowingly condones sexual harassment related to Township activity shall be subject to disciplinary action, up to and including removal.

Retaliation: Retaliation in any form against an ABC or Advisory Group member who exercises his right to make a good faith complaint under this subchapter or who cooperates in an investigation of any complaint is strictly prohibited, and will itself be cause for appropriate disciplinary action.

Education: ABC and Advisory Group members will be educated in sexual harassment issues. Education may consist of written materials, formal training, educational videos, orientation sessions, discussions or individual counseling. ABC and Advisory Group members will be provided with a copy of this policy and shall sign an acknowledgment that they have received and reviewed the policy.

Meeting Environment: The Chairperson of each ABC or Advisory Group shall create an environment which encourages discussion of sexual harassment issues, where ABC or Advisory Group members are educated and sensitized to sexual harassment, and where individuals with sexual harassment questions or complaints are provided with a response which is clear, impartial and timely.

Complaint Mechanism:

1. Any person encountering sexual harassment may wish to tell the person that his or her actions are unwelcome and offensive.
2. Any person who believes that he or she is being sexually harassed shall report the incident(s) to the Township Manager as soon as possible in order to provide the Township with sufficient time to expeditiously act to protect the person from further harassment and to initiate the appropriate investigative and, if warranted, disciplinary measures. The complaint may be written or verbal. If the harassing party is the Township Manager, the employee shall report the complaint with the Chairman of the Board of Supervisors.
3. There shall be no retaliation by the Township against anyone for filing a complaint related to a charge of sexual harassment, or assisting, testifying, or participating in the investigation of such a complaint.
4. The Township Manager shall consult, when appropriate, with the Chairman of the Board of Supervisors, with respect to the investigative and corrective steps to be taken. Such consultation and investigation shall be undertaken promptly following receipt of a complaint and shall be documented in the form of a written report, which shall determine whether the complaint is founded or unfounded.
5. If the complaint is determined to be meritorious, the Township Manager or Chairman of the Board of Supervisors, as applicable, shall take prompt and appropriate action to terminate the harassment and to apply the appropriate disciplinary action.

Oversight and Resolution of Complaints and Appeals: The Board of Supervisors shall provide appropriate oversight and resolution of complaints.

(Signatures on page 4)

RESOLVED AND ADOPTED, this 3rd day of March, 2009.

ATTEST:

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS**

Secretary

