

HARASSMENT POLICY: Town of Acworth policy concerning violence or intimidation with respect to Town officials, employees or property

1. **Purpose:** The Town of Acworth has adopted this zero tolerance policy against violence and intimidation with respect to Town employees because it recognizes that violence and intimidation is a growing problem in this State and also nationally and must be addressed by all employers. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion which involve or affect the Town or a Town employee, or which occur on Town property will not be tolerated.
2. **Authority:** This policy is adopted by the Board of Selectmen under the authority of RSA 41:8 (management of Town's prudential affairs, including employee matters) and RSA 41:11-a (management and regulation of Town property).
3. **Prohibition:** No person shall threaten, harass or intimidate another person:
 - a. If either person is a Town employee, Town official, contract or temporary worker, or person engaged in business with the Town, acting within the scope of his or her employment, official position, or business relationship; or
 - b. On Town property, regardless of the persons involved.
4. **Definition:** For purposes of this policy, to "threaten, harass or intimidate" another person includes but is not limited to the following:
 - a. Hitting or Shoving an individual or any conduct constituting or exceeding Simple Assault under RSA 631:2-1;
 - b. Threatening harm to an individual or his/her family, friends, associates or their property or any conduct constituting Criminal Threatening under RSA 631:4;
 - c. Intentional destruction or threat of destruction of property owned, operated or controlled by the Town of Acworth or any act involving such property and constituting Criminal Mischief under RSA 634:2;
 - d. Making harassing or threatening telephone calls, letters or other forms of written or electronic communications or other conduct constituting Harassment under RSA 644:4, I(a) through (e);
 - e. Conduct which constitutes Stalking under RSA 633:3-a;
 - f. Possession or use of firearms, weapons or other dangerous devices on Town property except in accordance with adopted Town operating procedures;
 - g. Communication which the communicator intends, knows or should know to be annoying or alarming to another after having been notified that the recipient desires no further communication and the communication is not necessary for or exceeds any lawful or governmental purpose or any communication which violates RSA 644:4 I(f);
 - h. Intimidating or attempting to coerce a Town employee or other person with a contractual or other business or service relationship with the Town to do acts which are wrongful or which adversely affect the interests of the Town;
 - i. Actual or threatened force or violence or engaging in any other unlawful conduct with a purpose to hinder or interfere with a Town official or employee as defined in RSA 640:2 II from performing or purporting to perform an official function or to retaliate for the performance or purported performance of such a function.

5. **Enforcement:** Violations of this policy by any person on Town property by anyone acting as a representative of the Town while not on Town property or by anyone acting off of Town property when his/her actions affect the Town's interest or public interest will be followed by legal action as appropriate. Any person violating this policy on Town property shall be deemed to be disrupting the orderly conduct of business in a public or governmental facility, contrary to RSA 644:2 III(b). Any violation falling within paragraphs (g), (h) and (i) of Section 4 above shall be deemed to be Obstructing Government Administration under RSA 642:1. Any violation of this policy not otherwise provided for by the State law shall be deemed a violation.
6. **Violation by an Employee:** Violation of this policy by an employee may lead to disciplinary action, up to and including termination. This policy and any sanctions related to it are supplemental to any other Town personnel rules or policies and to applicable State and Federal laws.
7. **Reporting of Violations:** Each employee of the Town and every person on Town property is encouraged to report any violations of this policy of which he/she is aware or any other conduct against persons or property that is sufficiently severe, offensive, or intimidating to alter employment conditions or to create a hostile, abusive or intimidating work environment for one or more Town employees. All reports under this policy shall be investigated. All such reports shall be treated with the highest level of confidentiality consistent with the goals of this policy. Reports may be made to the Board of Selectmen.
8. **Town Property and Nonpublic Premises:** If there is probable cause to believe a person has violated this policy on Town property he or she may be ordered off or removed from the premises as quickly as safety permits and the Selectmen or person of authority may order the person to remain off Town property pending the outcome of an investigation. Any person violating such an order shall be in violation of this policy. At the request of any Town employee or official or on their own initiative the Board of Selectmen may designate any office or other room or area of Town property as nonpublic premises. The area shall be marked with a sign stating "public prohibited" or other appropriate language. Any person remaining on nonpublic premises after a request to leave shall be in violation of this policy.
9. **Training and Dissemination:** All Town employees will be given a copy of this policy. All new employees will be given a copy of this policy. Employees shall refer any questions regarding their rights and obligations under this policy to the Board of Selectmen. The Town will provide opportunities for employees to be trained in the risk factors associated with workplace violence and intimidation and the proper handling of emergency situations in order to minimize risks. However nothing concerning training or lack thereof shall be deemed to excuse any violations of this policy.

This policy approved by the Board of Selectmen April 4, 2005