



Anti-Discrimination  
Prohibition on Harassment  
POLICY HANDBOOK  
For Elected Officials  
Members of Boards, Commissions, & Committees

Borough of Chambersburg  
March 2021



*Borough of Chambersburg*

*Prohibition on Discrimination for Elected Officials, Appointed Officials, Volunteers,  
Members of Boards/Commissions/Committees & Agents of the Borough*

Approved March 8, 2021

On March 8, 2021, Chambersburg Council adopted sweeping new prohibitions on discrimination for Borough employees, elected officials, volunteers, vendors, contractors, grant recipients, and utility providers. These updated rules exceed Pennsylvania state protections and impact many community operations.

You are receiving this handbook because you have been appointed by Town Council either directly or in some other administrative capacity, and this appointment makes you a representative of the Borough of Chambersburg to some degree.

Representatives of the Borough shall not discriminate by reason of race, gender, religion, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by the law and/or in violation of the Pennsylvania Human Relations Act (PHRA) and applicable federal laws, against any person who is qualified and available to perform the work to which their employment relates. The Borough is committed to cultural diversity, social justice, and equality. You are prohibited from other behaviors including harassment and bullying in the conduct of your office.

The Borough of Chambersburg Land Use & Community Development Department in partnership with the Personnel Office will maintain a complaint referral and tracking service as well as a training and information program for you in your role with the Borough of Chambersburg. Please feel free to contact Deputy Borough Manager Phil Wolgemuth ([pwolgemuth@chambersburgpa.gov](mailto:pwolgemuth@chambersburgpa.gov)) or Personnel Supervisor Melinda Thompson ([mthompson@chambersburgpa.gov](mailto:mthompson@chambersburgpa.gov)) with any questions about your responsibilities under the enclosed policy as well as ways you can learn more about activities to prevent and manage discrimination in our community.

Your cooperation and participation is a required part of your important community service.

There is an expectation that during your community service, you will comply with the enclosed policy.

The Borough may take action of a variety of types for a violation of the terms and conditions of this ANTI-DISCRIMINATION POLICY and all its subsections. In addition, the Borough may proceed with removal, suspension, or publicly censure any individual who is determined by Town Council or through a local, state, or federal adjudication process to have participated in an act of discrimination or harassment.

Obviously, Chambersburg takes this policy very seriously and we hope you agree that public service includes an acknowledgment that there is no place for violation of this policy in community activities.

It is important to report any and all concerns of discrimination or harassment to the Deputy Borough Manager or the Personnel Office as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

The procedures available under this policy do not preempt or supersede any legal procedures or remedies otherwise available to a victim of discrimination or sexual harassment under local, state or federal law.

Finally, your participation in this policy and any complaints should be free of consequence, retaliation, or reprisal. Any retaliation or reprisal is also a violation of the spirit and intent of this policy.

Jeffrey Stonehill, Borough Manager

**ANTI-DISCRIMINATION POLICY**  
**Prohibition on Harassment & Bullying**

**Overview:**

The Borough of Chambersburg does not condone or tolerate harassment of or discrimination in the conduct of your service with regard to race, gender, religion, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law. The Borough will not permit any situation where employment or any form of reward or benefit is implicitly or explicitly conditioned upon submission to harassment or discrimination, or where an employee is negatively impacted by harassment or discrimination. The Borough will not permit any harassment or discrimination that has the purpose or effect of unreasonably interfering with an individual's work performance, or if it creates an intimidating, hostile or offensive work environment. The Borough will not tolerate those who make adverse employment decisions for their employees or subordinates based upon that employee having rejected or complained about harassment or discrimination. The Borough will not tolerate or condone any of the above such harassment or discrimination of its employees by their supervisors, their co-workers, or third parties on the premises over whom the Borough has control. *Third parties shall include elected officials, volunteers, and appointees to boards and commissions. Any such conduct in any circumstance is prohibited.*

**A. Sexual Harassment and Discrimination**

The objective of the Borough of Chambersburg in implementing and enforcing this policy is to define organization-wide sexual harassment and discrimination, prohibit such conduct in all forms, carry out appropriate disciplinary measures in the case of violations, and provide procedures for lodging complaints about conduct that violates this policy and investigating claims. This policy applies to all employees, elected officials, volunteers, vendors, contractors, grant recipients, and utility providers of the Borough of Chambersburg in all locations.

Sexual harassment is unwelcome conduct of a sexual nature that is sufficiently persistent or offensive to unreasonably interfere with the organization's performance or create an intimidating, hostile or offensive working environment. Further; it is also defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b) Submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or;
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive borough-wide organizational environment.

Sexual harassment can be physical or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing. All individuals who are covered by this policy are prohibited from harassing other individuals whether or not the incidents of harassment occur on Borough premises and whether or not the incidents occur during working hours.

Examples of prohibited conduct:

Though sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include the following:

- Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults;
- Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another person’s body or poking another person’s body.
- Unwelcome sexual advances, propositions or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience.
- Preferential treatment, or promises of preferential treatment to an employee or other person for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting, or threats of subjecting, an employee or other person to unwelcome sexual attention or conduct or intentionally making performance of the employee’s or other person’s job more difficult because of that person’s sex.
- Sexual or discriminatory displays or publications anywhere in the Borough of Chambersburg’s workplaces by individuals covered by this policy.
- Retaliation for sexual harassment complaints.

**B. Racism and Other Prejudicial/Discriminatory Conduct:**

The Borough is opposed to discrimination based on race, gender, religion, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law. The Borough is committed to cultural diversity, social justice and equality. The provisions of this Section B apply to elected and appointed officials, employees, and volunteers (collectively “employee” or “employees”), along with the Borough’s Nondiscrimination and Sexual Harassment Policy.

In general, “discrimination” includes making employment decisions implicitly or explicitly based on factors other than job-related considerations and/or treating one “employee” differently merely because they are a member of a protected group or on the basis of a protected characteristic such as race, gender, religion, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law. This nondiscrimination policy applies to all terms and conditions of employment, which include but are not limited to: compensation, hours, recruitment, selection, training, assignment, evaluation, promotion, discipline and termination.

Racism: Racism is putting down a person or group for their race, color or ethnic background.

Racism is a prejudiced attitude shown by racist conduct aimed at a group or person. Any conduct a reasonable person views as putting down another race or ethnic group or person is prohibited (even if the person or a member of the group is not present). Examples include, but are not limited to:

- Racial or ethnic jokes or humor;
- Comments on performance related to race or ethnic background;
- Refusal to invite participation in any work activity or Borough sponsored event on basis of race or ethnic background;
- Racial or ethnic insults;

**All employees, elected officials, volunteers, vendors, contractors, grant recipients, and utility providers of the Borough of Chambersburg in all locations are prohibited from this behavior while in the conduct of their service.**

Other forms of Prejudicial or Discriminatory Conduct: The above examples of racism apply equally to prejudicial or discriminatory conduct based on a person's religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law.

### **C. Bullying in the Workplace:**

The Borough of Chambersburg considers workplace bullying unacceptable and will not tolerate it under any circumstances. This policy shall apply to all elected and appointed officials, employees, and volunteers (collectively "employee" or "employees") regardless of their employee status (i.e. managerial vs. hourly, full-time vs. part-time, employee vs. independent contractor). Any employee found in violation of this policy will be disciplined, up to and including immediate termination. Independent contractors found to be in violation of this policy may be subject to contract cancellation. *Third parties shall include elected officials, volunteers, and appointees to boards and commissions. Any such conduct in any circumstance is prohibited*

Bullying is defined as persistent, malicious, unwelcome, severe and pervasive mistreatment that harms, intimidates, offends, degrades or humiliates an employee, whether verbal, physical or otherwise, at the place of work and/or in the course of employment.

The Borough of Chambersburg promotes a **healthy workplace culture** where all employees are able to work in an environment free of bullying behavior. All employees are encouraged to report any instance of bullying behavior. Any reports of this type of behavior will be treated seriously, and investigated promptly and impartially. The Borough of Chambersburg further encourages all employees to formally report any concerns of assault, battery, or other bullying behavior of a criminal nature to the local Police Department. Any supervisor who witnesses any bullying, irrespective of reporting relationship, is required to immediately report this conduct to the Personnel Office.

The Borough of Chambersburg will protect an employee who reports bullying conduct from retaliation or reprisal.

The following types of behavior constitute workplace bullying. Please note, this list is not meant to be exhaustive and is only offered by way of example:

- Staring, glaring or other nonverbal demonstrations of hostility;
- Exclusion or social isolation;
- Excessive monitoring or micro-managing;
- Work-related harassment (work-overload, unrealistic deadlines, assignment of meaningless tasks);
- Being held to a different standard than the rest of an employee's work group;
- Consistent ignoring or interrupting of an employee in front of co-workers;
- Personal attacks (angry outbursts, excessive profanity, or name-calling);
- Encouragement of others to turn against the targeted employee;
- Sabotage of a co-worker's work product or undermining of an employee's work performance;
- Stalking;
- Unwelcome touching or unconsented-to touching;
- Invasion of another person's personal space;
- Unreasonable interference with an employee's ability to do his or her work (i.e., overloading of emails);
- Repeated infliction of verbal abuse, such as the use of derogatory remarks, insults and epithets;
- Conduct that a reasonable person would find hostile, offensive, and unrelated to the employer's legitimate business interests.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of bullying. Therefore, while no fixed reporting period has been established, the Borough strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The Borough will make every effort to stop alleged workplace bullying before it becomes severe or pervasive, but can only do so with the cooperation of its employees.

Individuals who believe they have experienced conduct that they believe violates this policy, or who have concerns about such matters, should report their complaints verbally or in writing to his or her supervisor, the Human Resources Office, or the Borough Manager, or Deputy Borough Manager before the conduct becomes severe or pervasive. Individuals should not feel obligated to report their complaints to their immediate supervisor first before bringing the matter to the attention of one of the other designated representatives identified above.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to bullying conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that such behavior immediately stop.

#### **D. Responding to Conduct in Violation of Policy:**

Employees (elected and appointed officials, employees, and volunteers):

If an employee believes that he or she has been subject to sexual harassment or any unwelcome sexual attention, racism, bullying, or other forms of harassment or discrimination, he or she may address the situation directly and immediately to the harasser, if possible. If the inappropriate conduct does not cease, if the alleged offender retaliates against the employee in any way, or if the employee is unable to or uncomfortable with addressing the alleged offender directly, he or she should report the incident to his or her own supervisor or manager, or to the Borough Manager, Deputy Borough Manager, or Personnel Office. It is helpful, but not required, to provide a written record of the date, time and nature of the incident(s) and the names of any witnesses.

It is important to report any and all concerns of harassment or discrimination to a supervisor/manager, Borough Manager/Deputy Borough Manager or Personnel Office as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

**Contact Deputy Borough Manager Phil Wolgemuth ([pwolgemuth@chambersburgpa.gov](mailto:pwolgemuth@chambersburgpa.gov)) or Personnel Supervisor Melinda Thompson ([mthompson@chambersburgpa.gov](mailto:mthompson@chambersburgpa.gov)) with your complaint. All complaints and inquiries will be held in the strictest of confidence. Reprisals are prohibited.**

Managers and Supervisors (Borough Management Liaisons):

Managers and supervisors must deal expeditiously and fairly with allegations of harassment or discrimination within their departments whether or not there has been a written or formal complaint. They must:

- Take all complaints or concerns of alleged or possible harassment or discrimination seriously no matter how minor or who is involved.
- Ensure that harassment or discrimination is immediately reported to HR so that a prompt investigation can occur.
- Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

Managers and supervisors who knowingly allow or tolerate harassment, discrimination or retaliation, including the failure to immediately report such misconduct to HR, are in violation of this policy and subject to discipline.

Human Resources (Personnel Office):

The Personnel Officer/Borough Manager and Human Resources are responsible for:

- Ensuring that both the individual filing the complaint (hereafter referred to as the “complainant”) and the accused individual (hereafter referred to as the “respondent”) are aware of the seriousness of a complaint.
- Explaining the Borough’s harassment and anti-discrimination policy and investigation procedures to the complainant and the respondent.
- Exploring informal means of resolving complaints.
- Notifying the police if criminal activities are alleged.
- Arranging for an investigation of the alleged harassment or discrimination and the preparation of a written report.
- Submitting a written report summarizing the results of the investigation and making recommendations to designated company officials.
- Notifying the complainant and the respondent of the corrective actions to be taken, if any, and administering those actions.

Complaint Resolution Procedures:

Individuals should report complaints of conduct believed to violate the Borough’s harassment and anti-discrimination policy according to the policy’s complaint procedures. To initiate a formal investigation into an alleged violation of this policy, employees may be asked to provide a written statement about the alleged misconduct to the Personnel Office. Complaints should be submitted as soon as possible after an incident has occurred. The Personnel Office Supervisor may assist the complainant in completing the statement.

To ensure the prompt and thorough investigation of a harassment or discrimination complaint, the complainant should provide as much of the following information as is possible:

- The name, department and position of the person or persons allegedly causing the harassment or discrimination.
- A description of the incident(s), including the date(s), location(s) and the presence and identity of any witnesses.
- The effect of the incident(s) on the complainant’s ability to perform his or her job, or on other terms or conditions of his or her employment.
- The names of other individuals who might have been subject to the same or similar harassment or discrimination.
- What, if any, steps the complainant has taken to try to stop the harassment.
- Any other information the complainant believes to be relevant to the complaint.

Discipline

Employees who violate this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand. The discipline for very serious or repeat violations is termination of employment. Persons who violate this policy may also be subject to civil damages or criminal penalties, in accordance with applicable laws.

Confidentiality

All inquiries, complaints and investigations are treated confidentially. Information is revealed strictly on a need-to-know basis. Information contained in a formal complaint is kept as confidential as possible. However, the identity of the complainant is usually revealed to the respondent and witnesses. The Borough Manager, Deputy Borough Manager and Human Resources Supervisor take adequate steps to ensure that the complainant is protected from retaliation during the period of the investigation. All information pertaining to a sexual harassment complaint or

investigation is maintained by the Personnel Office in secure files. The Personnel Office Supervisor can answer any questions relating to the procedures for handling information related to sexual harassment or discrimination complaints and investigations to complainants and respondents.

#### Other Available Procedures

The procedures available under this policy do not preempt or supersede any legal procedures or remedies otherwise available to a victim of sexual harassment under local, state or federal law.

#### Administration

This policy will be administered through the Personnel Office.

### **E. Employer/Employee Responsibilities:**

**Prejudiced Conduct:** Protected groups must not be discriminated against: race, gender, religion, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law may not be the basis for discriminatory conduct.

**Complaints:** Complaints should be promptly made in writing to the Borough Personnel Officer. Prompt investigations of allegations will be made and appropriate corrective action taken.

**Commitment:** The Borough of Chambersburg is committed without qualification to all aspects of racial and cultural diversity. The Borough's commitment to racial tolerance, cultural diversity and social justice will require every employee, elected and appointed official, and volunteer to ensure that the principles of these ideals be mirrored in their attitudes.



**ANTI-DISCRIMINATION POLICY**  
**Prohibition on Harassment & Bullying**

**Acknowledgement**

Please keep the enclosed policy for your information and records.

Please return this page to your Borough liaison or supervisor.

All current and future Borough employees, elected officials, volunteers, vendors, contractors, grant recipients, and utility providers will be required to acknowledge receipt of this and other administrative policies from time-to-time.

A copy of your acknowledgement of receipt will be maintained by the Borough of Chambersburg.

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Signature of Acknowledgement

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Date

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Print Name

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Employee Number (If Applicable)

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Department or Board/Commission/Committee

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Date Received by Borough of Chambersburg