

Town of Freetown

Board of Selectmen



Sexual Harassment Policy

Adopted: January 10th, 2005

Revised: May 21st, 2007

Supersedes Previous Policies

**Board of Selectmen
3 North Main Street
Freetown, MA 02702**

**508-644-2201(Phone)
508-644-3342 (Fax)
www.Town.Freetown.MA.US**

SEXUAL HARASSMENT POLICY

Town of Freetown

1) Introduction

It is the goal of the Town of Freetown to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace, or in other settings in which employees may find themselves in connection with their employment, is unlawful and will not be tolerated by the town. Further, any retaliation against an individual who has complained about sexual harassment, or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint, is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated. We have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Town of Freetown takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment. Where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please be aware that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

Therefore, it shall be the Town's policy that all employees of the town, at all levels, elected or appointed, must avoid offensive, inappropriate, or unlawful sexual and/or sexually harassing behavior in the workplace. Employees will be held responsible for insuring that the workplace is free of sexual harassment.

2) Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is: "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- a) Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions affecting such individuals; or,
- b) Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment. The legal definition of sexual harassment is broad. In addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- *Requesting, demanding or overt threats for sexual favors in exchange for actual or promised job benefits such as promotions, favorable reviews, salary increases or continued employment, etc.*
- *Coerced sexual acts;*
- *Engaging in reprisals (not granting promotions, assigning undesirable tasks, making negative statements about the victim's personal or work conduct, etc.), as a result of an individual's refusing to engage in social/sexual behavior;*
- *Unwelcome sexual advances - whether they involve physical touching or not;*
- *Contact with any sexual part of a co-worker's body such as touching, patting or pinching, etc.;*
- *Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;*
- *Displaying sexually suggestive objects, pictures, cartoons;*
- *Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;*
- *Refusing to take action or to enforce disciplinary measures against a person who has been sexually harassing another staff member or otherwise condoning such behavior;*
- *Verbal harassment or abuse such as referring to or calling a person a demeaning or sexualized term, or making reference to a person's physical characteristic(s) when that person has verbally or in writing indicated to the harasser or the supervisor that s/he does not wish to be addressed or referred to in that manner;*
- *Inquiries into one's sexual experience or discussion of one's sexual activities.*
- *The dissemination of sexually explicit voice mail, e-mail, graphics, downloaded material or website or website links.*

It is important to note that sexual harassment does not refer to occasional compliments of a socially acceptable nature or welcome social relationships in the workplace.

3) Scope

Sexual harassment is not limited to conduct by one gender or defined solely by whether a supervisory relationship exists. Employees should be aware that both men and women might be either the victim or the harasser. The harasser does not have to be the victim's direct supervisor; it may be a co-worker or a supervisory employee who does not supervise the victim. The victim does not have to be the opposite sex from the harasser. Lastly, the victim does not have to be the person to whom unwelcome sexual conduct is directed. The sexual harassment of one employee may create an intimidating, hostile, or offensive working environment for another co-worker or unreasonably interfere with his or her work performance. The town will respond to all situations wherein an employee believes they have been victimized and a complaint has been made or unlawful conduct alleged.

4) Responsibilities of All Employees

Each employee is personally responsible for:

- a) Ensuring that he or she does not sexually harass any other employee, applicant for employment, or other individual, either in the workplace or at a work-related activity;
- b) Informing any individual that their words or actions are unwelcome and offensive, when any type of harassment is encountered;
- c) Immediately reporting acts of harassment;
- d) Cooperating in the investigation of complaints of alleged sexual harassment by providing any information he or she possesses concerning the matters being investigated; and
- e) Otherwise cooperating with the town's efforts to prevent and eliminate sexual harassment and to maintain a working environment free from such unlawful discrimination.

5) Complaints of Sexual Harassment

If any employee believes that s/he has been subjected to sexual harassment, the employee has the right to file a complaint with the town. This may be done in writing or orally. The Board of Selectmen has a Complaint Form for written complaints; however, an employee is not required to use this form in order to file a written complaint. The town's representative hearing the complaint will write down oral complaints. A copy will be provided to the complaining employee to ensure the prepared statement is accurate.

Employees are encouraged to contact the Sexual Harassment Officer or their supervisor(s) if they have any questions as to whether or not they are or may be victims. No employee will be punished for making such inquiries.

If you would like to file a complaint you may do so by contacting the town's Sexual Harassment Officer:

Lawrence N. Ashley
6 Betty Spring Road
East Freetown, MA 02717
(W) 508-644-2201
(H) 508-763-5105

or the Board of Selectmen in the Town Hall, 3 North Main Street.

Any questions regarding this policy may also be brought to the appropriate supervisor, a higher-level supervisor, or to the Board of Selectmen, especially if you believe the situation has not been satisfactorily resolved at the lower supervisory level. These people are also available to discuss any concerns you may have, and to provide information to you about our policy on sexual harassment and the complaint process.

6) Sexual Harassment Investigation

When we receive the complaint we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with any witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation. The results will be in the form of a written report.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the town.

You may contact the Board of Selectmen for a copy of the 'Town of Freetown Sexual Harassment Complaint and Investigation Procedures'. This document outlines what procedures we will use in all complaints of sexual harassment. It also outlines the responsibilities of the Sexual Harassment Officer. This document is also available on the Town of Freetown's website.

7) **Disciplinary Action**

If it is determined that inappropriate conduct has occurred, we will take such action as is appropriate under the circumstances. We will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

If after the completion of an investigation of a harassment complaint an employee is found to have knowingly filed a false report for the purpose of harming another person, and the employee willfully and knowingly gave false information concerning the complaint, appropriate disciplinary action may be taken against the employee who filed the false complaint.

8) **State and Federal Remedies**

In addition to the above, if you believe you have been subjected to sexual harassment, you have the right to pursue other legal avenues. You may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC = 180 days; MCAD = 6 months).

**The United States Equal Employment
Opportunity Commission (EEOC)**
1 Congress St., 10th Floor
Boston, MA 02114
(617) 565-3200

**The Massachusetts Commission Against
Discrimination (MCAD)**
One Ashburton Place or 424 Dwight St.
Room 601 Room 220
Boston, MA 02108
(617) 727-3900

9) **Acknowledgment of Receipt of Policy**

By signing the Receipt of Policy form, the employee of the Town acknowledges receipt of this Sexual Harassment Policy from the Town of Freetown and has read its contents.

Approved: _____
Lawrence N. Ashley

Lisa A. Pacheco

Jean C. Fox

Adopted by the Board of Selectmen on January 10th, 2005
Reaffirmed by the Board of Selectmen on May 21st, 2007

Town of Freetown, Massachusetts

SEXUAL HARASSMENT POLICY RECEIPT

Name: _____

Job Title: _____

Department, Office, or Board: _____

I have received a copy of, and have read, the Town of Freetown's Sexual Harassment Policy (January 10th, 2005 revision). I have also received a copy of the Town of Freetown's Sexual Harassment Complaint and Investigation Procedures and a Complaint Form.

I understand that if I have any questions regarding this policy I should contact my immediate supervisor, Department Head, the Sexual Harassment Officer, or the Board of Selectmen for clarification.

Signature

Date

Note: Return signed receipt form to the Board of Selectmen.