

TOWN OF SCITUATE SEXUAL HARASSMENT POLICY

Sexual Harassment

Introduction

It is the goal of the Town of Scituate 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. Further, any retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve the goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and a procedure is provided here by which inappropriate conduct will be dealt with, if encountered by employees.

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

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

Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is this:

“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 a basis for employment decisions; or
- (b) such advances, requests or conduct that 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 and 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:

- Unwelcome sexual advances – whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references, including e-mail, 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;
- Unwelcoming leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

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.

If any employee believes that he or she 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.

If an employee would like to file a complaint, he or she may do so by reporting the complaint to the department head, or if the department head is the person the complaint is being made against, the complaint should be reported to the Town Administrator or Personnel Officer.

Sexual Harassment Investigation

When the complaint is received, the allegation will promptly be investigated 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. The investigation will include a private interview with the person filing the complaint and with the witnesses. The person alleged to have committed sexual harassment also will be interviewed. When the investigation has been completed, the person filing the complaint and the person alleged to have committed the conduct will be informed, to the extent appropriate, of the results of that investigation.

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

Disciplinary Action

If it is determined that inappropriate conduct has been committed by a Town employee, such action will be taken as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as the Town deems appropriate under the circumstances.

State and Federal Remedies

In addition to the above, if the employee believes that he or she has been subjected to sexual harassment, he or she may file a formal complaint with either or both of the government agencies set forth below. Using the Town's complaint process does not prohibit the employee from filing a complaint with these agencies. Each of these agencies has a short time period for filing a claim (EEOC – 300 days; MCAD – 6 months):

- (1) The United States Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203 (617)565-3200; (800)669-4000 www.EEOC.gov

- (2) The Massachusetts Commission Against Discrimination (MCAD)
Boston Office: One Ashburton Place, Rm. 601, Boston, MA 02108
(617)727-3990

By signing below, I acknowledge that I have received, read, and understand the Town of Scituate's Sexual Harassment Policy

Name _____

Title _____

Department _____

Date of Hire _____

Signature _____ Date _____