

TOWN OF STERLING

Harassment Policy

I) Introduction

It is the goal of the town of Sterling to promote a workplace that is free of harassment and sexual harassment. Harassment and 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 harassment or sexual harassment; or retaliation against individuals for cooperating with an investigation of a harassment or sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from harassment and sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees. Because the town of Sterling takes allegations of harassment or sexual harassment seriously, we will respond promptly to complaints of harassment or sexual harassment and 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 note that while this policy sets forth our goals of promoting a workplace that is free of harassment and 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 either harassment or sexual harassment.

II) General Harassment

A. Definition

The Town of Sterling takes any form harassment very seriously and regards any form of harassment as a possible violation of an individual's civil rights. Per definition, harassment is the willful and malicious engagement in a knowing pattern of conduct, or series of acts, directed at a specific person or group over a period of time that annoys, alarms, or torments that person or group, and causes that person or group to suffer harm or emotional distress. Harassment can be verbal or physical, and includes behavior that is perpetrated by telephonic or telecommunication devices, including but not limited to: e-mail, internet communications, and facsimile communications. In addition, the use of inappropriate terms, as well as signs or symbols of a racial, religious, ethnic, sexual, or gender-based bias, that are meant to de-humanize and cause pain to an individual or group, will be considered as a form of harassment as well.

B. Complaints of Harassment

The Town feels very strongly about the inappropriateness of harassment, and endorses pro-active efforts to prevent harassment by regularly educating town officials, supervisors, employees and volunteers about it. Any official, supervisor, employee, volunteer, visitor or

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citizen who witnesses, or who feels that they are the victims of harassment, are strongly encouraged to report any knowledge of this kind of behavior to any member of the Harassment Team or any appropriate Town officer or administrator. Any Town officer or administrator who has been provided with this information should immediately convey this information to a member of the Harassment Team, who will subsequently inform the alleged victim of his/her options, which are

- requesting that a member (or members) of the Harassment Team intervene on behalf of the alleged victim by addressing the incident(s) and/or offensive behavior(s) with the alleged harasser
- partaking in a joint meeting with the alleged harasser and a member (or members) of the Harassment Team to discuss the incident(s) and/or offensive behavior(s), and to identify strategies for correcting the situation
- filing an immediate and written grievance with the Human Resources Department to be referred to the Harassment Team.

The Harassment Team consists of, the Human Resources Administrator, the Chief of Police and the Town Administrator, who have received training in harassment and/or discrimination issues, and who understand all aspects of this policy, including the overriding need for confidentiality.

C. Investigation of Complaints of Harassment

A member (or members) of the Harassment Team will meet privately with any employee, individual, or group and where necessary the appropriate parent(s)/guardian(s) to hear a complaint, help resolve differences, or prevent a situation from escalating. Regardless of the option that an alleged victim pursues, it should be reiterated that any complaints will be guarded with strict confidentiality for both the alleged victim and the alleged harasser, and that information will only be shared on a "need-to-know" basis. If any steps taken by the Harassment Team fail to resolve the issue, or if the alleged harassment and/or discrimination continues, or if there is any evidence of retaliation, the alleged victim, the individual communicating on behalf of the alleged victim (with his/her consent), and/or a member of the Harassment Team, shall submit an immediate and written grievance to the Human Resources Administrator. Upon receipt of a written grievance, the Human Resources Administrator will inform all necessary parties, including where necessary the appropriate parent(s)/guardian(s), that he/she has received a written grievance and that he/she will begin a formal investigation into the alleged conduct. During the Human Resources Administrator's investigation, the due process and confidentiality rights of the alleged victim and the alleged harasser will be honored. Upon completion of the investigation, the Human Resources Administrator will communicate his/her decision to the appropriate individual(s), and he/she will also render his/her decision in writing. The Human Resources

Administrator may publish an executive summary of his decision in order to preserve the confidentiality involved in the process.

D. Disciplinary Action

Where necessary and appropriate, disciplinary action will be imposed; it may include, but it is not limited to:

- Suspension
- Referral to legal and/or court authorities
- Mandatory counseling and/or educational programming
- Termination

III) Sexual Harassment

A. Definition

By law, all employers must adopt a separate harassment policy that specifically addresses issues pertinent to sexual harassment or sexual discrimination. Therefore, this policy is being communicated in accordance with the law, and with the intent of developing and maintaining a safe and trusting work environment that not only enhances each individual's sense of self-confidence and self-esteem, but that ensures that individuals who are employed by or perform services for the Town of Sterling understand what sexual harassment and sexual discrimination is, know how to identify it, and are aware of the protocol for reporting such behavior.

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 a basis for employment decision; or
- b) such advances, requests or conduct have the purpose or effect of unreasonable interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

To clarify this definition for this policy, the Town of Sterling declares that "sexual harassment" constitutes sexual advances whether they involve physical touching or not, requests for sexual favors, and other verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating, or sexually offensive environment; such as unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive comments, sexual epithets, written or oral references to sexual conduct, gossip regarding one's sexual activity, deficiencies or prowess, or displaying sexually suggestive objects, pictures, cartoons. Stated in another way, it is defined by the victim (who may be an employee or an individual performing services for the Town such as a contractor or volunteer), and the definition covers a range of behaviors, including but not limited to: sexual insults and name-calling, gossip, jokes, intimidation by words or

actions, offensive touching, and pressure for sexual activity. Sexual harassment can also be subtle and ambiguous, or direct and overt, and it should be known that both males and females, both young and old, can be victims. To further define the term, “sexual harassment” can be 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.

Since sexual harassment is prohibited by both federal and state statutes, it should be understood that, like any form of harassment, it will not be tolerated, and that any person found to be guilty of sexual harassment will be subject to severe disciplinary consequences, as well as any applicable state or federal laws. Furthermore, in any case where there is the suspicion of the sexual abuse of an individual under the age of eighteen, officials, supervisors, fellow employees or appropriate individuals should report such incidents to a member of the Harassment Team. Additionally, all employees should take special note that 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 this organization.

B. Complaints of Sexual Harassment

In light of the aforementioned, any employee or individual who feels that he/she is a victim of sexual harassment is encouraged to report the incident(s) to a manager, supervisor, administrator or a member of the Harassment Team. Any Town officer, administrator, or supervisor, who has been provided with this information, should immediately convey this information to the Human Resources Administrator or the Harassment Team, who will subsequently inform the alleged victim of his/her options, which include:

- requesting that a member (or members) of the Harassment Team intervene on behalf of the alleged victim by addressing the incident(s) and/or offensive behavior(s) with the alleged harasser
- partaking in a joint meeting with the alleged harasser and a member (or members) of the Harassment Team to discuss the incident(s) and/or offensive behavior(s), and to identify strategies for correcting the situation
- filing an immediate and written grievance with the Human Resources Administrator or the Harassment Team

The Harassment Team consists of the Human Resources Administrator, the Chief of Police, and the Town Administrator, who have received training in sexual harassment and/or sexual discrimination and sexual assault/abuse issues, and who understand all aspects of this policy, including the need for confidentiality. Regardless of the option that an alleged victim pursues, it should be reiterated that any complaints of sexual harassment will be guarded with strict confidentiality for both the alleged victim and the alleged harasser, and that information will

only be shared on a "need-to-know" basis. If any steps taken by the Harassment Team fail to resolve the issue, or if the alleged sexual harassment continues, or if there is any evidence of retaliation, the alleged victim, the individual communicating on behalf of the alleged victim (with his/her consent), and/or a member of the Harassment Team, shall submit an immediate and written grievance to the Human Resources Administrator.

C. Investigation of Complaints of Sexual Harassment

Upon receipt of a written grievance, the Human Resources Administrator will inform all necessary parties, and where necessary the appropriate parent(s)/guardian(s), that he/she has received a written grievance and that he/she will begin a prompt formal investigation into the alleged conduct. During the Human Resources Administrator's investigation, the due process and confidentiality rights of the alleged victim and the alleged harasser will be honored. Upon completion of the investigation, the Human Resources Administrator will communicate his/her decision to the appropriate individual(s), and he/she will also render his/her decision in writing. The Human Resources Administrator may publish an executive summary of his decision in order to preserve the confidentiality involved in the process.

D. Disciplinary Action

Where necessary and appropriate, disciplinary action will be imposed; it may include, but it is not limited to:

- Suspension
- Referral to legal and/or court authorities
- Mandatory counseling and/or educational programming
- Termination

In addition to the above, if a complainant believes that he/she has been subjected to sexual harassment, he/she 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")

John F. Kennedy Federal Building 475 Government Center Boston, MA 02203
Tel. # (800) 669-4000

The Massachusetts Commission Against Discrimination ("MCAD")

Boston Office: McCormack Building One Ashburton Place - Room 601, Boston, MA 02108
Tel. #617-994-6000

Worcester Office: Worcester City Hall 455 Main Street - Room 100, Worcester, MA 01608
Tel. # (508) 799-8010

Springfield Office: State Office Building 436 Dwight Street - Room 220 Springfield, MA 01103
Tel. # 413-739-2145