

## POLICY OF THE TOWN OF UXBRIDGE, MASSACHUSETTS

### SEXUAL HARASSMENT

#### I. POLICY

- a. INTRODUCTION. The Town of Uxbridge, (the "Town") depends upon a work environment of tolerance and respect for the achievement of its goals. The Town is committed to providing a work environment that is free of all forms of abuse or harassment. The Town recognizes the right of all employees to be treated with respect and dignity.

Sexual harassment is a form of behavior that adversely affects the employment relationship. State and Federal law prohibit such behavior. Sexual harassment of individuals occurring in the workplace or in other settings in which individuals of the Town may find themselves in connection with their employment is unlawful and will not be tolerated by the Town. The Town also condemns and prohibits sexual or other harassment by any applicant, client, vendor or visitor.

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

It is important to note 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.

This policy applies to all persons employed by the Town as well as those firms and individuals who are contracted to perform work for the Town or who serve in some voluntary capacity.

- b. DEFINITION OF SEXUAL HARASSMENT.

In Massachusetts, "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 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 of the circumstances that may constitute sexual harassment, the following, which if unwelcome, is a list of situations that could constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- verbal abuse of a sexual nature;
- use of sexually degrading words;
- jokes or language of a sexual nature;
- conversation or gossip with sexual overtones;
- obscene or suggestive gestures or sounds;
- sexually-oriented teasing;
- verbal comments of a sexual nature about an individual's appearance or sexual terms used to describe an individual;
- inquiries into one's sexual experiences;
- discussion of one's sexual activities;
- comments, jokes or threats directed at a person because of his/her sexual preference;
- unwelcome and repeated invitations (for lunch, dinner, drinks, dates, sexual relations);
- demand for sexual favors accompanied by an implied or overt threat concerning an individual's employment status or promises of preferential treatment;
- physical contact such as touching, hugging, kissing, stroking, fondling, patting, pinching or repeated brushing up against one's body;
- deliberate bumping, cornering, mauling, grabbing;
- assaults, molestations or coerced sexual acts;
- posting or distributing sexually suggestive objects, pictures, cartoons or other materials;
- sexually-oriented letters or notes;
- sending offensive or discriminatory messages or materials through the use of electronic communications (e.g., electronic mail, including the Internet, voice mail and facsimile) which contain overt sexual language, sexual implications or innuendo, or comments that offensively address someone's sexual orientation;
- staring at parts of a person's body;
- sexually suggestive gestures, leering; and

- condoning sexual harassment.

Sexual harassment is not limited to prohibited behavior by a male employee toward a female employee. Sexual harassment can occur in a variety of circumstances. Here are some things to remember:

- A man as well as a woman may be the victim of sexual harassment, and a woman as well as a man may be the harasser;
- The harasser does not have to be the victim's supervisor;
- The victim does not have to be of the opposite sex from the harasser;
- The victim does not have to be the person at whom the unwelcome sexual conduct is directed; and
- The victim may be someone who is affected by the harassing conduct, even when it is directed toward another person, if the conduct creates an intimidating, hostile, or offensive working environment for the co-worker or interferes with the co-worker's work performance.

c. INDIVIDUAL RESPONSIBILITIES. Each individual of the Town is personally responsible for:

- ensuring that his/her conduct does not sexually harass any other employee or person with whom the employee comes in contact, either in the workplace or at a work-related activity;
- informing any individual that their words or actions are unwelcome and offensive, when any type of harassment is encountered;
- immediately reporting acts of harassment;
- cooperating in any investigation of alleged sexual harassment by providing any information he/she possesses concerning the matter being investigated;
- actively participating in efforts to prevent and eliminate sexual harassment;
- ensuring that an employee who files a sexual harassment claim or cooperates in an investigation may do so without fear of retaliation or reprisal; and
- Otherwise cooperating with the Town's efforts to prevent and eliminate sexual harassment and to maintain a working environment free from such unlawful discrimination.

d. THE RULE. It is, therefore, against the policy of the Town for any individual, male or female, to harass another individual sexually, that is, by making unwelcome sexual advances, requests for sexual favors, or other uninvited verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either implicitly or explicitly a term or condition of an employee's employment;
- submission to, or rejection of, such conduct by an individual is made the basis for employment decisions affecting the employee;
- such conduct has the purpose or effect of interfering with an individual's work performance; or
- a hostile or intimidating work environment is created for the employee.

It is also against the policy of the Town for an individual to sexually harass any person with whom the employee comes in contact on the job or to engage in any harassment or inappropriate or unprofessional conduct in the workplace.

- e. RETALIATION. Retaliation against an individual for filing a complaint of sexual harassment or against any individual for cooperating in an investigation of a sexual harassment complaint is against the law and will not be tolerated by the Town.

## **II. VIOLATION OF POLICY**

Any individual violating this policy will be subject to appropriate discipline, including possible discharge.

## **III. PROCEDURES FOR COMPLAINTS**

- a. COMPLAINT. If any individual believes he or she has been subjected to sexual harassment, the individual should initiate a complaint, either orally or in writing, to the Town Manager as soon as possible. The individual should file the complaint promptly following any incident of alleged harassment. The individual should be aware that the longer the period of time between the event giving rise to the complaint and the filing, the more difficult it will be for the Town Manager to reconstruct what occurred. The individual will eventually be requested to write out his or her complaint to document the charge.

If an employee prefers to discuss a possible sexual harassment problem with his or her supervisor, the employee may always do so, but employees do not have to go through the regular chain of supervision when reporting sexual harassment and may go directly to the Town Manager.

- b. INVESTIGATION. On receiving the complaint, the Town Manager or the Supervisor will promptly have a preliminary investigation made into the matter. If after the completion of this preliminary investigation it is determined that there is reasonable cause for finding a violation of this policy, the Town will notify the complainant and the charged employee of the finding orally. The charged employee will be requested to respond to the complaint. Additional investigation will be made to the extent appropriate in each case. This process will be confidential to the extent consistent with an effective investigation, subject to the business needs of the Town.
- c. DECISION. After the response of the charged individual has been made, and any further investigation that may be warranted has been carried out, the Town will make a final decision. If the Town finds that the allegations in the complaint have been established by the investigation, the Town will initiate discipline of the charged individual. Discipline will be appropriate to the offense and employees involved, and may include discharge. The complainant will be notified of the disposition of the investigation.

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.

## **IV. STATE AND FEDERAL AGENCIES**

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/both of the following government agencies:

**Massachusetts Commission Against Discrimination ("MCAD")**

1 Ashburton Place, Boston, MA 02108 or  
436 Dwight Street, Springfield, MA 01103 or  
22 Front Street, 5<sup>th</sup> Floor, Worcester, MA 01614

MCAD is responsible for enforcing the Massachusetts sexual harassment law.

**U.S. Equal Employment Opportunity Commission ("EEOC")**

JFK Federal Office Building  
Government Center, Room 475  
Boston, MA 02203

The EEOC is responsible for enforcing the federal law prohibiting sexual harassment.

Be advised that each agency has a limited time period for filing a complaint.

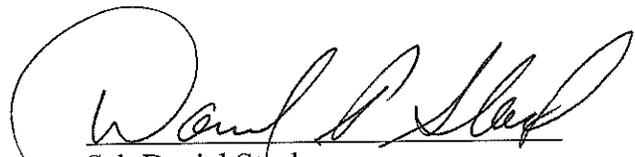
This policy is enacted by the Board of Selectmen by vote at its regularly scheduled meeting on  
9<sup>th</sup> day of October, 2007, duly posted and noticed:

  
Julie A. Woods, Chairman

Kevin J. Kuros, Vice Chairman

  
Michael Potaski, Clerk

  
Sel. James F. Dwyer

  
Sel. Daniel Stack