



POLICY No.: K-1  
DATE ADOPTED: DECEMBER 4, 1996  
UPDATED: DECEMBER 15, 2006  
UPDATED: AUGUST 21, 2013

## TOWN OF WEST BOYLSTON BOARD OF SELECTMEN POLICY

### Sexual Harassment Policy

**Purpose:** ~~It is the goal of the Town of West Boylston 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 this organization. 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 and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.~~

It is the goal of our town to promote a workplace that is free of discriminatory harassment ("harassment") or any type, including sexual harassment. Discriminatory harassment consists of unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law, such as gender, race, color, national origin, ancestry, religion, age, disability, genetics, military status, sexual orientation, or participation in discrimination complaint-related activities (retaliation). Our town will not tolerate harassing conduct that affects employment conditions, that interferes unreasonably with an individual's performance, or that creates an intimidating, hostile, or offensive work environment.

This policy may apply to conduct that occurs between co-workers that takes place outside the workplace (including, but not limited to, online conduct or conduct utilizing the internet or other electronic media), or during non-work hours. When the conduct complained of occurs outside of the workplace or during non-work hours, the Town of West Boylston may consider the following and other factors in assessing whether or not the conduct constitutes conduct in violation of this policy:

- Whether the event at which the conduct occurred is linked to the workplace in any way, such as at a Town-sponsored function;
- Whether the conduct occurred during work hours;
- The context of conduct that occurs outside of normal work hours and whether there is any connection to the workplace;
- The severity of the alleged outside-of-work conduct;
- The work relationship of the complainant and the alleged harasser, which includes whether the harasser is a supervisor and whether the alleged harasser and complainant come into contact with one another on the job;

- Whether the conduct adversely affected the terms and conditions of the complainant's employment or impacted the complainant's work environment.

Because the Town of West Boylston takes allegations of unlawful discrimination and harassment seriously, we will respond promptly to complaints 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 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 legal definitions of discrimination or harassment.**

## **Policy:**

### **II. 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 as a basis for employment decisions; 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. This can include conduct that is aimed at a person's sexual orientation or gender identity.

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 to sexual contact, 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;
- 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 this organization.

### **III Complaints of Sexual Harassment or Discrimination**

If any of our employees believes that he or she has been subjected to sexual harassment or discrimination, the employee has the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting ~~Leon A. Gaumond, Jr.~~, Town Administrator, Municipal Office Building, 140 Worcester Street, West Boylston, Massachusetts 01583, (774) 261-4012. ~~Mr. Gaumond~~ The Town Administrator is also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

#### **IV Complaint 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 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.

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.

#### **V. Retaliation**

Any retaliation against an individual who has formally or informally complained about discrimination (including harassment), or has cooperated with an investigation of a complaint is prohibited.

Retaliation can be overt or subtle. Retaliation may include, but is not limited to, treating a complainant or witness differently, more harshly or in a hostile manner; physical interference with movement such as blocking a path; derogatory comments or action which would tend to have a chilling effect on the other complainants; sudden investigations of the complainant's private life, or; sudden strict enforcement of work rules. Retaliation in any form will not be tolerated.

#### **VI. Disciplinary Action**

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may include: counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers, and other formal sanctions, up to and including termination from employment.

#### **VII. State and Federal Remedies**

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the governmental 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 time period for filing a claim (EEOC - 300 days; MCAD – 300 days).

##### **1. The United States Equal Employment Opportunity Commission (“EEOC”)**

John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
Phone: 800-669-4000  
TTT: 800-669-6820

##### **2. The Massachusetts Commission Against Discrimination (“MCAD”)**

Boston Office: One Ashburton Place  
Sixth Floor, Room 601  
Boston, Massachusetts 02108  
(617) 994-6000  
TTY: 617-994-6196

Springfield Office:  
436 Dwight Street  
Second floor, Room 220  
Springfield, Massachusetts 01103  
(413) 739-2145

**Worcester office:**  
Worcester City Hall  
455 Main Street, Room 100  
Worcester, MA 01608  
(508) 799-8010  
(508) 799-8490 – FAX

**New Bedford office:**  
800 Purchase Street, Room 501  
New Bedford, MA 02740  
(508) 990-2390  
(508) 990-4260 – FAX