

FREEDOM FROM UNLAWFUL HARASSMENT, DISCRIMINATION, AND SEXUAL HARASSMENT POLICY

Introduction:

It is the goal of the Town of Seekonk to promote a workplace that is free of discriminatory harassment (“harassment”) of 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, gender identity, pregnancy or participation in discrimination complaint-related activities (retaliation). The Town of Seekonk 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.

Harassment of employees occurring in the workplace or in other work-related settings is unlawful and will not be tolerated by the Town of Seekonk. Further, any retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from harassment and retaliation, 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. This policy may apply to discrimination (including harassment) 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).

When the conduct complained of occurs outside of the workplace, the Town may consider the following and other factors in assessing whether 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 severity of the alleged outside-of-work conduct
- The work relationship of the complainant and alleged harasser, which includes whether the alleged 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 Seekonk takes allegations of harassment seriously, we will respond promptly to complaints of 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, 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 harassment.

Definitions:

“Harassment” means unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law. Harassment includes, but is not limited to:

- Display or circulation of written materials or pictures that are degrading to a person or group as previously described.
- Verbal abuse, slurs, derogatory comments, or insults about, directed at, or made in the presence of an individual or group as previously described.

“Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working 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 workplace environment that is hostile, offensive, intimidating, or humiliating to either 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 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; e-mail, web sites, screen savers, or computer graphics;
- 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.

Special care should be taken with respect to one’s conduct and comments in the presence of minors. As a general rule, all conduct or comments of a sexual nature in the presence of minors shall be considered a violation of this policy, whether or not such conduct or comments are unwelcome. (This

is not intended to preclude appropriate educational discussions if these are within the scope of your employment and are undertaken as part of an approved curriculum).

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 of Seekonk.

Complaint Procedures:

All Town employees share responsibility for avoiding, discouraging and reporting any form of discriminatory harassment and cooperating in any investigation of alleged complaints. The primary responsibility for ensuring proper investigation and resolution of harassment complaints rests with the Town Administrator.

If any of our employees believe that he or she has been subjected to discriminatory harassment, the employee has the right to file a complaint with the Town. This may be done in writing or orally. Employees may also file a complaint if they have been subjected to harassment from residents, visitors, applicants, vendors, contractors, their agents and employees, or any other third parties in the workplace, while performing work-related duties, or during other work-related activities.

Prompt reporting of harassment is in the best interest of the Town and is essential to a fair, timely, and thorough investigation. Accordingly, complaints should be filed as soon as possible following the incident(s) at issue. If you would like to file a complaint you may do so by contacting the Town Administrator at Town Hall, 100 Peck Street, Seekonk, MA 02771, (508) 336-2910 or the Executive Assistant. If either of these individuals are the source of the violation or if an employee brings the matter to them and does not believe that the situation has been satisfactorily resolved, the employee should then bring his/her complaint to the Chair of the Select Board, Town Hall, 100 Peck Street, Seekonk, MA 02771.

Complaint Investigation:

When the Town receives the complaint, we will promptly investigate the allegation in a fair and expeditious manner to determine whether there has been a violation of our policy. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include private interviews with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed harassment. The complainant, the person alleged to have committed harassment, and all witnesses are required to fully cooperate with all aspects of an investigation. 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.

Notwithstanding any provision of this policy, we reserve the right to investigate and take action on our own initiative in response to behavior and conduct which may constitute harassment or otherwise be inappropriate, regardless of whether an actual complaint has been filed.

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 up to and including termination.

Given the sensitive nature of complaints of discrimination and/or harassment, all parties and witnesses in a complaint, as well as Department Heads, supervisors, etc. who are aware of a complaint or investigation thereof, are strongly encouraged to maintain this information as confidential, so as not to negatively impact an investigation. All employees are reminded of the provisions of G.L. c. 268A, §23 (c)(2), which prohibits a municipal employee or official from improperly disclosing materials or data within the exemptions to the definition of public records as defined by section 7 of chapter 4, and were acquired by the employee in the course of the employee's official duties nor use such information to further his or her personal interest.

Disciplinary Action:

If it is determined that discrimination, harassment, retaliation, or other inappropriate conduct has been committed by one of our employees, the Town will take such action as is appropriate under the circumstances. Such actions 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 of employment.

State and Federal Remedies:

In addition to the above, if you believe you have been subjected to discriminatory harassment of any type, including sexual harassment, 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 requires that claims be filed within 300 days from the alleged incident of when the complainant became aware of the incident.

The United States Equal Employment Opportunity Commission ("EEOC")

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

The Massachusetts Commission against Discrimination ("MCAD")

Springfield Office:

436 Dwight Street
Second Floor, Room 220
Springfield, MA 01103
(413) 739-2145

New Bedford Office:

128 Union St., Suite 206
New Bedford, MA 02740
(774) 510-5801

Boston Office:

One Ashburton Place, Room 601
Boston, MA 02108
(617) 994-6000

Worcester Office:

484 Main Street, Room 320
Worcester, MA 01608
(508) 453-9630