

## Sexual Harassment Policy

1. Coverage. All employees.
2. Policy. It is the policy of the County that all employees should be able to enjoy a work environment free from all forms of unlawful discrimination, including sexual harassment.

NOTE: The following is meant to be an explanation of the law, but a more complete understanding can be had by visiting the web site of the Massachusetts Commission Against Discrimination and viewing their sample policy at <http://www.mass.gov/mcad/shtoc.html>

Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. 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. No employee shall exercise responsibilities or authority in such a manner as to make submission to unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature a term or a condition of employment within the County. No employee shall conduct himself or herself with respect to verbal or physical behavior of a sexual nature where such conduct has the effect of interfering with an individual's work or performance or creating an intimidating, hostile or offensive environment.

3. Definition. Sexual harassment refers to behavior that is not welcome; that is personally-offensive; that lowers morale and that, therefore, interferes with our work effectiveness. Each appointing authority has a responsibility to maintain the workforce free from sexual harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading or exploitative sexual treatment.

False accusations will result in severe disciplinary action up to and including termination.

All employees must read and sign the County Sexual Harassment Policy when hired and annually thereafter.

4. Examples of Prohibited Conduct. Prohibited conduct includes but is not limited to:
  - a. Engaging in reprisal (not granting promotions, assigning undesirable shifts, making negative statements about the victim's personal or work conduct etc.) after an individual has refused to engage in social and/or sexual behavior;
  - b. Touching any traditionally sexual part of the body;
  - c. Touching a person on a traditionally non-sexual part of the body, i.e. shoulder, etc., after that person has verbally indicated no desire for such physical contact;
  - d. Refusing to enforce disciplinary measures or otherwise condoning such behavior;
  - e. Continuing to ask a person to socialize after work when that person has verbally indicated no interest in such activities;

**Commented [JC1]:** This should be compared to the required state policy to be sure it is consistent.

<http://www.mass.gov/mcad/shtoc.html>

If this is meant to be the County's only "policy" statement, it should be expanded to include the terms of the mandated MCAD policy.

- f. Displaying sexually suggestive pictures, objects, cartoons or posters after being told that they are offensive;
- g. Continuing to write suggestive notes, letters, e-mails or using any other form of social media after being informed that they are not welcome; and
- h. Referring to or calling a person an endearing, demeaning, or sexualized term when that person has verbally indicated that he/she does not wish to be addressed or referred to in that manner; and/or telling sexual jokes or using sexually vulgar language in the presence of a person who has verbally indicated a dislike of such language or conversation.

5. Complaint Procedure.

- a. An employee who perceives the comments, gestures or actions of another employee or supervisor to be sexually harassing should communicate to that person that such behavior is unwelcome. Failure to express "unwelcomeness" will not prevent the employee from filing a complaint, nor does it exonerate the harasser.
- b. Any employee who believes he/she has been sexually harassed should report the incident promptly to the appointing authority. If the harasser is the employee's appointing authority, or if the employee does not feel that the situation was adequately resolved, he/she should report the incident(s) within fifteen (15) business days of the action to the County Manager.
- c. Nothing in this policy is intended to interfere with or precluded the right of an employee to file charges with any administrative agency or court with jurisdiction over the matter.

6. Responsibility of appointing authority.

- a. Complaints of sexual harassment will be immediately examined impartially, and resolved promptly at the earliest possible stage. An appointing authority will treat such complaints with seriousness and will not minimize or discourage employees from reporting such complaints.
- b. Informal Resolution. Upon a receipt of a written complaint of sexual harassment an appointing authority will: immediately attempt to resolve the matter informally, where appropriate; conduct an informal review, including interviews with the complainant, any witnesses, and the individual charged. In all cases, the Appointing Authority shall submit copies of all reports and documentation to the County Manager.

In determining whether a reported conduct is sexual harassment, the record as a whole will be considered, including previous complaints against the charged individual. Informal resolution of the complaint may include counseling the charged individual, advising the complainant of the action taken, and asking that any further behavior be immediately brought to the appointing authority's attention.

- c. Intermediate Resolution. If informal resolution of the incident has not been successful, or is inappropriate because of the seriousness of the reported conduct, the appointing authority will report to and consult with the County Manager. The complainant will be encouraged to put the complaint in writing

and to sign it; however, all complaints will be accepted and investigated. The County Manager will investigate the complaint, including interviewing the reporting employee, any witnesses, and the charged individual. The County Manager will attempt to respond in writing to the complainant within fifteen (15) business days from receipt of the written complaint or to notify the complainant why it is taking longer. The appointing authority will take one (1) or more of the following actions:

1. Any action discussed under informal resolution;
2. Recommend corrective measures, including disciplinary action against the individual charged; and
3. File the complaint as not warranting any further action.

The County will make an effort in sexual harassment investigations to protect the confidentiality of information relating to the case, and such information will only be disclosed as required in the conduct of proceedings related to the case. Violations of this section are, in and of themselves, grounds for disciplinary action.

7. **Disciplinary Action.** An employee who is found to have engaged in conduct that constitutes sexual harassment will be subject to disciplinary action up to and including discharge (section 23. of these Bylaws.) In addition, employees should be aware that engaging in sexual harassment can result in civil and/or criminal penalties. Volunteers and contractors found to have engaged in conduct that constitutes sexual harassment will be subject to action up to and including loss of contract for services, revocation of access, etc., and can be subject to civil and/or criminal penalties.

Employees may also contact the following state and federal agencies to file a formal sexual harassment complaint:

**Federal** U.S. Equal Employment Opportunity Commission (EEOC)  
John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203  
1-800-669-4000

**State** Massachusetts Commission Against Discrimination (MCAD)  
1 Ashburton Place, 6<sup>th</sup> Floor, Room 601, Boston, MA 02108  
1-617-994-6000