

Human Resources Policy TOWN OF WEYMOUTH	Issued: 11/01/2014	Policy No.: IV-B
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Issued By: Human Resources	Approved By: Office of the Mayor	Page 1 of 7
Subject: Sexual Harassment Policy		

Policy: It is the goal of the Town of Weymouth 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 find themselves in connection with their employment or town business, is unlawful and will not be tolerated by this organization.

Further, any retaliation against any individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation will not be tolerated.

To achieve our goal of a workplace free of 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.

Scope:

This policy applies to all employees of the town, and non-employees, defined to mean its agents, elected and appointed officials, consultants, volunteers, and constituents.

For the purposes of this document, persons covered will be referred to as employees.

It includes but is not limited to policies and procedures to prevent sexual harassment as defined by appropriate state and federal laws and regulations.

Please note that while this policy sets forth our goals of promoting a workplace and government that is free of sexual harassment, the policy is not designed to limit our authority to discipline or take remedial action necessary for conduct which we deem unacceptable, whether or not that conduct satisfies the definition of sexual harassment.

The Town of Weymouth takes allegations of sexual harassment seriously. We will respond promptly to complaints of 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 necessary, including disciplinary action as appropriate, up to and including termination.

Definition:

In Massachusetts, "sexual harassment" means sexual advances, request for sexual favors, and or verbal in nature when: (a) submission 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 which have the effect of unreasonably interfering with an individual's work by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or inferred requests or conduct 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. Promises of appointment, favorable voting at meetings or resolution of issues with the Town in exchange for sexual favors also 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 employees may also constitute sexual harassment.

While it is not possible to list all circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment depending on the totality of the circumstances including the severity of the conduct and the pervasiveness.

- Unwelcome sexual advances whether they involve physical touching or not
- Sexual epithets, jokes, in the form of writing, email or oral references to sexual conduct, gossip regarding one's sex life; comments regarding one's individual body comments about one's sexual orientation, comments about an individual's sexual activity, deficiency, or prowess
- Displaying sexually suggestive objects, pictures, cartoons; including accessing or sharing pornographic, sexually explicit or obscene materials via the internet or email
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments
- Inquiries into one's sexual experience
- Discussion of one's sexual activities

Retaliation

All employees should take special note that, as previously stated, retaliation against an individual who has complained about sexual harassment, and retaliation against a person for cooperating with an investigation into sexual harassment is unlawful and will not be tolerated by the Town of Weymouth

Procedure:

Complaints of Sexual Harassment

If any employee believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with the Town of Weymouth.

Anyone who has observed questionable or inappropriate behavior of a sexual or sexually hostile nature has the right and responsibility to report this to a supervisor, the Human Resources Department or the Mayor's Office. Anyone, who needs information on the complaint process, or who has questions regarding

the sexual harassment policy, or who needs further information may contact the Equal Employment Opportunity Officer. The Equal Employment Opportunity Officer for the Town is the Director of Human Resources, assisted by HR staff members.

If you would like to file a complaint you may do so by completing a Harassment Complaint form. Forms can be found in the Human Resources department.

Supervisor's Responsibility

Each supervisor is obligated to report all cases of sexual harassment to the department head and to the Equal Employment Opportunity Officer or directly to the Mayor's Office for investigation/intervention.

As the frontline representative of the employer, each supervisor, who has observed questionable or inappropriate behavior of a sexual nature, is obligated to report such observation to his or her superior, the Equal Employment Opportunity Officer or directly to the Mayor's Office for further investigation/intervention.

Each supervisor is required to communicate to each subordinate the Town's policy against sexual harassment and make sure all persons under his or her supervision receive a copy of this policy annually and sign as to receipt.

Sexual Harassment Investigation

When the complaint is filed, the Director of Human Resources, or the Equal Employment Opportunity Officer or Designee will promptly investigate the allegations in a fair and expeditious manner. Should interim or permanent intervention be required the investigator will obtain the mayor's approval and implement preventative changes. The investigation will be conducted in such way as to maintain confidentiality to the extent practicable under the circumstances and take into account the rights and responsibilities of all individuals involved. . The investigation will include a private interview with the person filing the complaint and with witnesses. The person alleged to have committed the sexual harassment will be interviewed. When the investigation is completed, the person filing the complaint and the person alleged to have engaged in inappropriate conduct will be informed of any proposed resolution.

Consultants, vendors, volunteers, constituents and others who interact with Town of Weymouth employees are expected to respect the Town of Weymouth Sexual Harassment Policy. Complaints involving Town of Weymouth employees and non-employees will be investigated by the Equal Employment Opportunity Officer or Designee.

The Equal Employment Opportunity Officer or Designee will be asked to investigate all complaints against elected or appointed officials. If a complaint is filed against an elected official a meeting shall be held in conjunction with the elected board on which the alleged offender serves. Alleged offender(s) and the person filing the complaint shall be informed of this meeting in writing.

Disciplinary Action

Recommendation for disciplinary action, up to and including dismissal, will be initiated and/or reviewed by the Director of Human Resources and approved by the Mayor, prior to issuance.

Annual Distribution of Sexual Harassment Policy with Mandatory Employee Signature upon receipt thereof

To ensure that each employee is aware of the mandatory respectful workplace behavior regarding hostile, inappropriate, insensitive, intimidating or otherwise inappropriate actions of a sexual nature, the Town of Weymouth requires that this policy be distributed annually and each employee shall be required to sign for receipt thereof.

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 agencies listed below. Using our complaint process does not limit you from filing a complaint with these agencies. Each of these agencies has a limited time period for filing a claim (EEOC 180 days and MCAD 6 months).

The United State Equal Employment Opportunity Commission (EEOC)

1 Congress St. 10th Floor

Boston, MA 02114

(617) 565-3200

The Massachusetts Commission Against Discrimination (MCAD)

Boston Office

One Ashburton Place- Rm. 601

Boston, MA 02108

(617) 727-3990