

**Prevention and Elimination of Sexual Harassment in the Workplace**

*Date of Last Revision: May 23, 2022*

**PREFACE:** The Town of Concord is committed to maintaining a work environment free from all forms of illegal discrimination, including harassment. Discrimination based on race, color, religion, national origin, ancestry, age, gender, gender identity/expression, sexual orientation, genetic information, military status, veteran's status, criminal record, disability, or pregnancy is illegal. Retaliation for filing a discriminatory harassment complaint or cooperating in a related investigation is also unlawful.

All employees will conduct themselves in a professional manner and show respect for all colleagues and the general public, and will follow the specific mandates of this policy with regard to prevention and elimination of sexual harassment in the workplace.

**I. Purpose and Scope**

The purpose of this document is to establish policies and procedures designed to prevent and eliminate sexual harassment in the work environment. The policy as described below reinforces the long standing Town philosophy emphasizing the personal worth and dignity of each individual in the workplace. One of the Town's objectives is to provide a workplace environment in which creativity and productivity are allowed to flourish. Harassment in any form is counterproductive, not in the best interest of employees, nor those to whom we provide services, and will not be tolerated.

This policy is applicable to all Town employees, regardless of their employment status or bargaining unit membership. It is the responsibility of each department head and supervisor to ensure that each employee is given a copy of this policy and to uphold this policy within his/her department.

**II. Policy**

Consistent with the Town's overall objectives, it is the policy of the Town of Concord to maintain a work environment free from all forms of harassment and to insist that all individuals be treated with dignity, respect, and courtesy. The Town believes that sexual harassment is a form of misconduct which undermines the integrity of work relationships, and demeans all individuals involved.

**III. Sanctions**

Harassment will be taken seriously. Any employee found to have engaged in harassment, or knowingly supported harassment in violation of this policy is subject to disciplinary actions, up to and including termination of employment. All supervisors and department heads are responsible for knowing (when reasonably ascertainable) whether or not an environment of harassment exists and responding appropriately, in accordance with the definitions and procedures herein.

State and Federal law provide that an employer may be held responsible for acts of harassment committed by one employee toward another. In addition, the Town may be held responsible for non-employee actions toward employees while on Town premises.

**IV. Definition of Sexual Harassment**

Sexual harassment is a form of behavior that adversely affects the employment relationship. It is prohibited by State and Federal law. The Town of Concord also condemns and prohibits sexual harassment by an employee.

Sexual harassment does not refer to purely voluntary social activities. It refers to behavior that is not welcome, which is personally offensive, and which undermines morale and/or interferes with a person's ability to work or interact effectively. Sexual harassment includes unwelcome actions directed to or by employees of the Town such as:

- verbal abuse of a sexual nature, use of sexually degrading words, or jokes or language of a sexual nature;
- physical contact including patting, pinching, or repeated brushing against another's body;
- demands or requests for sexual favors accompanied by implied or overt promises of preferential treatment or threats concerning an individual's status as an employee;
- continuing to express sexual interest after being informed that the interest is unwelcome;
- assault or molestation;
- posting or distributing sexually oriented pictures or other materials (note that this may include advertisements containing pictures of scantily-clad people); and
- distributing e-mail messages that contain text or attachments of the same nature identified in the above examples.

#### **V. The Rule**

It is, therefore, against the policies of the Town of Concord for any employee of the Town, male or female, to harass another person by making unwelcome sexual advances, requests for sexual favors, or other uninvited verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either implicitly or explicitly a term or condition of an employee's employment;
2. submission to, or rejection of, such conduct by an individual is made the basis for employment decisions affecting the employee;
3. such conduct has the purpose or effect of interfering with an individual's work performance, or a Town department's ability to effectively serve the public;
4. retaliation is threatened or undertaken against an individual who complains that such conduct is interfering with his or her work performance; or
5. a hostile or intimidating work environment is created for the employee, non-employee, or any others who may be exposed to such harassment.

#### **VI. Procedure for Reporting and Investigating Incidents**

Any employee believing that he/she has been the object of harassment, or has observed harassment, must report such an incident as soon as possible to one of the Town's Sexual Harassment Grievance Officers:

- **Human Resources Director Amy Foley (978-318-3025)**
- **Interim Deputy Town Manager Kellie Hebert (978-318-3000)**

Both individuals are located at the Town House, 22 Monument Square, Concord, MA 01742. Of course, any employee may report a sexual harassment problem to his or her supervisor, if the employee wishes to do so; however, supervisors are obligated to immediately advise one of the Town's Grievance Officers or the Town Manager of such a report. A bargaining unit employee may choose to speak first with his or her union representative, but this will not substitute for reporting incidents to the Town. Although this PPP clearly states that supervisors and department heads are responsible for preventing and eliminating sexual harassment from the workplace, any employee who is either a victim or has knowledge of incidents involving harassing behavior is encouraged to report this information to any designated responsible person as described in this section.

Sexually harassing behavior is a serious matter and has a significantly adverse impact on both the employee and the organization. Therefore, all supervisors are required to immediately inform one of the Town's Grievance Officers or the Town Manager whenever harassment is reported.

If any employee believes he or she has been subject to sexual harassment, the employee should initiate a complaint by contacting one of the Sexual Harassment Grievance Officers as soon as possible. The employee should file the complaint promptly following any incident of alleged harassment. The employee will be requested to write out his or her complaint to document the charge. The employee 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 Sexual Harassment Grievance Officers to investigate the occurrence.

The Town Manager or his/her designees will thoroughly and promptly investigate every reported incident of harassment by an employee, or of an employee. The investigation will respect the sensitivities of all persons involved. The investigation will be carried out as confidentially as possible, consistent with the need for thoroughness. Bargaining unit employees involved in such an investigation will be entitled to union representation at investigatory interviews, if they so desire. The conclusion as to whether sexual harassing conduct occurred, reached by the investigator of alleged harassment, will be promptly communicated to those involved, as is appropriate. The release of investigation results will only occur in conformance with laws governing such disclosure.

Employees who are not part of a bargaining unit may appeal results of an investigation ultimately to the Town Manager, and the Personnel Board. Bargaining unit employees must follow appeals provisions within their employment contract.

**Retaliation against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of a sexual harassment complaint is against the law.** Employees will be afforded protection from retaliation, intimidation, interference, or discrimination for filing a report of sexual harassment.

#### **VII. Prevention of Sexual Harassment**

**It is the responsibility of all Town employees to make sure that sexual harassment does not exist in the workplace and to know the terms of this policy and understand that abiding by this policy is a condition of employment.**

Attachment A of this policy defines the responsibilities of employees and supervisors in preventing sexual harassment. Attachment A should be used as a guide to assist you in understanding your responsibilities in conforming with this policy.

#### **VIII. State and Federal Employment Discrimination Enforcement Agencies**

The following State and Federal agencies are responsible for enforcing complaints of sexual harassment which have not been resolved to the satisfaction of the reporting party:

- The Massachusetts Commission Against Discrimination (MCAD)  
One Ashburton Place, Room 601  
Boston, MA 02108  
(617) 727-3990
  
- The U.S. Equal Employment Opportunity Commission (EEOC)  
1801 L Street, N.W.  
Washington, D.C. 20507  
(800) 669-400  
TDD number for hearing impaired, (800) 800-3302

Each of these agencies requires that claims be filed within 300 days from the alleged incident or when the complainant became aware of the incident.

#### **IX. Acknowledgment of Receipt of Policy**

Employees are required to sign a statement, found in Attachment B, certifying that they have received a copy of this policy.

## ATTACHMENT A

### Employee's Responsibilities for Preventing Sexual Harassment

#### Knowledge and Understanding:

1. Know the Town's Sexual Harassment Policy. Know what could constitute sexual harassment under the law, such as:
  - a. **unwelcome touching of any kind**
  - b. **sexual comments or innuendoes**
  - c. **sexually explicit jokes or stories**
  - d. **sexually explicit pictures or communication materials - magazines, calendars, posters, cartoons, e-mails**
  - e. **comments about someone's appearance**
  - f. **unwelcome and repeated requests for dates**
  - g. **demeaning or offensive names or labels - "honey", "sweetie", "girl", "boy"**
  - h. **jokes or tricks played against an employee**
  - i. **retaliation against someone who files a complaint**
2. Know the appropriate complaint procedure for sexual harassment issues.
3. Examine your own attitudes regarding sexual harassment.

#### Awareness:

**Be supportive of your co-workers and ensure that your behavior contributes to a professional and productive environment by:**

1. Being conscious of what goes on around you at work.
2. Paying attention to the way people interact.
3. Being sensitive to the way in which those who are more vulnerable may react to the behavior of others.
4. Watching for the more subtle forms of sexual harassment and how they may negatively affect the work and self-esteem of others.

#### Personal Responsibility:

1. Pay attention to how others respond to what you do and say.
2. Don't assume that other people enjoy comments about their appearance, hearing sexual jokes or comments, being touched, or propositioned.
3. Think about the impact of how what you do and say affects another person's attitudes toward their work, job performance and self-esteem.
4. If people describe the vulnerability and anger they experienced from sexual harassment, relate those feelings to experiences you may have had as a "victim." Use this understanding to moderate your own behavior.
5. Consider your own actions and how they may influence or encourage the inappropriate behavior of others. Even if you don't intend to, you may encourage harassers by smiling, laughing at their jokes, or "flirting back." This type of response can lead someone to think that you enjoy or condone inappropriate behavior.

#### Response to Harassment:

1. Report all incidents which could constitute harassment to the Town's Grievance Officers.
2. Document all discriminatory harassment incidents. Record the date, time, place, people involved, people who observed it, and who said what to whom.

#### Support:

1. Don't ignore, shun or make fun of an employee who has filed a complaint. It is a right of all employees.
2. If a case is investigated, support the victim with your observations.

### Supervisor's Additional Responsibilities

**Provide leadership:**

1. Exhibit the type of behavior **the Town expects of all employees.**
2. Demonstrate your willingness to discuss the issue.
3. Let people know that you will take action if you see, hear, or are told of inappropriate behavior.

**Provide information and training:**

1. Ensure that your employees have a copy of the Town's sexual harassment policy and that a copy is posted in your work area.
2. Ensure that your employees understand that the Town will investigate reported incidents and will take disciplinary action when appropriate.
3. Hold informal discussions about the issue when questions or issues arise.
4. Identify training needs and consult with the Human Resources Department.

**Provide an appropriate and timely response to problems:**

1. Immediately stop any behavior you observe that is or could be harassment (involving your employees or others) and report such incidents immediately to your manager.
2. Report any complaints you receive or problems you hear about to your supervisor immediately.
3. Work with and support your supervisor and the Town Manager's Office and Human Resources Department if any investigations or disciplinary actions occur.

TOWN OF CONCORD  
Personnel Policy and Procedure #27  
**Prevention and Elimination of Sexual Harassment in the Workplace**

**ATTACHMENT B**

**Employee Confirmation of Receipt**  
of Policy Revised May 23, 2022

Name: \_\_\_\_\_ Department: \_\_\_\_\_  
*(please print)*

I hereby certify that I have received a copy of the Town of Concord *Prevention and Elimination of Sexual Harassment in the Workplace Policy* and understand that I am responsible for reading its contents and complying with its provisions.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date