



TOWN OF NEEDHAM

SEXUAL HARASSMENT PREVENTION POLICY AND PROCEDURES¹ Policy #202

I. PURPOSE AND SCOPE

The purpose of this document is to outline the Town's policy and procedures on sexual harassment, and to ensure compliance with applicable federal laws, state statutes, and Town by-laws.

II. APPLICABILITY

This Policy applies to all employees of the TOWN OF NEEDHAM (the "Town"), excluding those employees under the supervision and control of the School Committee.

III. DEFINITIONS

Sexual harassment is a form of behavior or conduct that adversely affects the employment relationship. State and Federal law prohibit such behavior or conduct. It is against the policy of the Town for any individual, male or female, to harass another individual sexually, that is, by making unwelcome sexual advances, requests for sexual favors, or other uninvited verbal or physical conduct of a sexual nature when:

- submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or a basis for employment decisions (also known as *Quid Pro Quo* sexual harassment); or
- 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 (also known as Hostile Work Environment sexual harassment)

¹ Harassment on the basis of race, color, religious creed, national origin, gender, ancestry, sexual orientation, as defined by law, or on the basis of age, as defined by law, disability, gender identity or expression, as defined by law, genetic information, veteran status, military service or application for military service, or pregnancy is covered by the Town's *Protected Class Harassment Policy*.

IV. POLICY

A. Introduction. The Town of Needham depends upon a work environment of tolerance and respect for the achievement of its goals. The Town is committed to providing a working environment that is free of all forms of abuse or harassment. The Town recognizes the right of all individuals to be treated with respect and dignity.

Sexual harassment of individuals occurring in the workplace or in other settings in which individuals of the Town may find themselves in connection with their employment is unlawful under Federal and State law and will not be tolerated by the Town. The Town also condemns and prohibits sexual or other unlawful harassment of any applicant, client, vendor or visitor.

Because the Town takes allegations of sexual harassment or abuse seriously, we will respond promptly to complaints of sexual harassment or abuse and where it is determined that inappropriate conduct has occurred, we will act promptly to address the conduct and impose such corrective action as is necessary, including disciplinary action or termination where appropriate.

B. The Rule. It is against the policy of the Town for any individual, male or female, to harass another individual sexually. It is also against the policy of the Town for an individual to engage in any other form of unlawful harassment, inappropriate or unprofessional conduct in the workplace.

C. Examples of Conduct That May Constitute Sexual Harassment. While it is not possible to list all of the circumstances that may constitute sexual harassment, the following are some examples of conduct that may constitute sexual harassment, depending upon the totality of the facts, including the severity of the conduct and its pervasiveness:

- verbal abuse, jokes or language of a sexual nature;
- use of sexually degrading words;
- conversation or gossip with sexual overtones;
- obscene or suggestive gestures or sounds;
- sexually-oriented teasing;
- verbal comments of a sexual nature about an individual's appearance or sexual terms used to describe an individual;
- inquiries into one's sexual experiences or discussion of one's sexual activities;
- comments, jokes or threats directed at a person because of his/her sexual preference;
- unwelcome invitations (for lunch, dinner, drinks, dates, sexual relations);

- demand for sexual favors whether or not accompanied by an implied or overt threat concerning an individual's employment status or promises of preferential treatment;
- physical contact such as touching, hugging, kissing, stroking, fondling, patting, pinching or brushing up against one's body;
- deliberate bumping, cornering, mauling, grabbing;
- assaults of a sexual nature, molestations or coerced sexual acts;
- posting or distributing sexually suggestive objects, pictures, cartoons or other materials;
- sexually-oriented letters or notes;
- sending or posting offensive or discriminatory messages or materials through the use of electronic communications (e.g., internal and external electronic mail, voicemail, facsimile, and Internet sites, including social media sites) that contain overt sexual language, sexual implications or innuendo, or comments that offensively address someone's sexual orientation;
- sexually suggestive gestures, leering, or staring at parts of a person's body; and
- condoning sexual harassment or abuse.

Sexual harassment is not limited to prohibited behavior or conduct by a male employee toward a female employee. Sexual harassment can occur in a variety of circumstances. Here are some things to remember:

- A man as well as a woman may be the victim of sexual harassment, and a woman as well as a man may be the harasser;
- The harasser does not have to be the victim's supervisor;
- The victim does not have to be of the opposite sex from the harasser; and
- The victim does not have to be the person at whom the unwelcome sexual conduct is directed. The victim may be someone who is affected by the harassing conduct, even when it is directed toward another person, if the conduct creates an intimidating, hostile, or offensive working environment for the victim or unreasonably interferes with the victim's work performance by creating a hostile, humiliating, or sexually offensive work environment.

D. Individual Responsibilities. Each individual of the Town is personally responsible for:

- ensuring that his/her conduct does not sexually harass any other individual with whom he/she comes in contact on the job, such as a subordinate, co-worker, customer, visitor, applicant, or outside vendor;
- cooperating in any investigation of alleged sexual harassment by providing any information he/she possesses concerning the matter being investigated;
- actively participating in efforts to prevent and eliminate sexual harassment or abuse and to maintain a work environment free from such harassment or abuse; and
- ensuring that an individual who files a good faith sexual harassment or abuse claim or cooperates in an investigation may do so without fear of retaliation or reprisal.

V. VIOLATION OF POLICY

Any individual violating this policy will be subject to appropriate discipline, including possible termination of employment.

VI. PROCEDURES FOR COMPLAINTS

A. Complaint. The Town has designated a Sexual Harassment Grievance Officer. The current Sexual Harassment Grievance Officer is the Human Resources Director, who can be reached at Town of Needham, 1471 Highland Avenue, Needham, MA 02492. The Sexual Harassment Grievance Officer's telephone number is (781) 455-7500, x276. If an individual would prefer, the individual may contact the Assistant Human Resources Director, who has been designated as the current Alternate Sexual Harassment Grievance Officer, and can be reached at Town of Needham, 1471 Highland Avenue, Needham, MA 02492. The Alternate Sexual Harassment Grievance Officer's telephone number is (781) 455-7500, x295.

If any individual of the Town believes he or she has been subjected to sexual harassment or abuse, the individual should initiate a complaint by contacting the Sexual Harassment Grievance Officer or the Alternate Sexual Harassment Grievance Officer as soon as possible. The individual should make the complaint promptly following any incident of alleged harassment. The individual should be aware that the longer the period of time between the event giving rise to the complaint and the complaint being made, the more difficult it will be for the Sexual Harassment Grievance Officer or his/her designee to investigate what occurred. The individual will be asked to write out his or her complaint to document the allegation.

If an employee prefers to discuss a possible sexual harassment issue with his or her supervisor or Human Resources, the employee may always do so, but employees do not have to go through the regular chain of supervision when reporting sexual harassment or abuse and may

instead go directly to the Sexual Harassment Grievance Officer or the Alternate Sexual Harassment Grievance Officer.

B. Investigation. Upon receiving the complaint, the Sexual Harassment Grievance Officer or Alternate Sexual Harassment Grievance Officer, or his/her designee, will promptly undertake an investigation of the matter. The investigation will include interviews with the employee making the complaint, witnesses, and the person accused of sexual harassment. The investigation will be conducted in such a way to maintain confidentiality to the extent practicable under the circumstances.

C. Decision. When the investigation has been completed, the Town will, to the extent appropriate, inform the person who filed the complaint, as well as the person alleged to have committed the complained-of conduct, of the results of the investigation. If the investigation reveals that sexual harassment or other inappropriate conduct did occur, the Town will act promptly to eliminate the offensive conduct.

D. Retaliation. Retaliation against an individual for making a good-faith complaint of sexual harassment or abuse, or against any individual for cooperating in an investigation of a sexual harassment or abuse complaint, is against the law. The Town will not tolerate any such retaliatory conduct. If any employee believes that he or she has been subjected to retaliation for having brought a complaint of harassment or abuse, or for having participated in an investigation of a complaint of harassment or abuse, that employee is encouraged to report the situation as soon as possible to the Sexual Harassment Grievance Officer or the Alternate Sexual Harassment Grievance Officer, or the employee's supervisor, or Human Resources.

VII. STATE AND FEDERAL AGENCIES

The Massachusetts Commission Against Discrimination ("MCAD") is responsible for enforcing the state law prohibiting sexual harassment. The MCAD can be reached at 484 Main Street, Suite 320, Worcester, MA 01608, (508) 799-8010, or at 436 Dwight Street, Suite 220, Springfield, MA 01103, (413) 739-2145, or at One Ashburton Place, Suite 600, Boston, MA 02108, (617) 994-6000. The U.S. Equal Employment Opportunity Commission ("EEOC") is responsible for enforcing the Federal law prohibiting sexual harassment. The EEOC can be reached at the John F. Kennedy Federal Building, Government Center, Room 475, Boston, MA 02203, (617) 565-3200. A complaint to the MCAD must be filed within 300 days. A complaint under the Federal law should be filed within 180 days, but under certain circumstances, a Federal complaint may be filed within 300 days.

VIII. WORKPLACE CONDUCT

It is important to note that while this policy sets forth the Town's goal of promoting a workplace that is free of sexual harassment or abuse, 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 sexual harassment or abuse.

IX. ACKNOWLEDGMENT OF RECEIPT OF POLICY

I acknowledge receipt of the *Sexual Harassment Prevention Policy and Procedures* (Rev. June 2018) from the Town of Needham, and I have read its contents.

Employee Name (Print)

Employee Signature

Witness

Date