

## Town of Longmeadow

### FREEDOM FROM UNLAWFUL HARASSMENT, DISCRIMINATION AND SEXUAL HARASSMENT POLICY

It is the goal of the Town of Longmeadow to promote a workplace that is free of sexual harassment and any other form of prohibited harassment or discrimination. Sexual harassment and any other form of prohibited 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 the Town of Longmeadow. Further, any retaliation against an individual who has complained about sexual harassment, prohibited harassment, discrimination, or retaliation against individuals for cooperating with an investigation of a sexual harassment or other harassment or discrimination complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, discrimination and other forms of 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.

Because the Town of Longmeadow 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 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 sexual 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 sexual harassment.

Furthermore, although this policy addresses sexual harassment, harassment or discrimination based on any protected class is also prohibited. The reporting procedures in this policy may be used to file a complaint of harassment or discrimination involving any protected class. Legally protected classes include: race, color, religion, nation origin, sex, sexual orientation (not including where the object of the orientation involves minor children), genetic information, ancestry, age, handicap or disability, and service in the uniformed military service.

#### Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is this:

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

- (a) submission to or rejection of such advances, request 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, request 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.

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 work place environment that is hostile, offensive, intimidating, or humiliating to 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;
- Inquires into one's sexual experiences; and,
- Discussion of one's sexual activities.

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 Longmeadow.

### **Complaints of Sexual Harassment, Discrimination or Harassment Based on Membership in Another Protected Class**

If any of our employees believes that he or she has been subjected to unlawful harassment or discrimination, including sexual harassment, the employee is encouraged to file a complaint with the Town of Longmeadow. This may be done in writing or discussed orally.

If you would like to file a complaint you may do so by contacting either: the Town Manager at Town Hall, 20 Williams Street, Longmeadow, MA 01106 (413) 565-4110 or, in his/her absence, the Finance Director at 735 Longmeadow Street, Longmeadow, MA 01106 (413) 565-4136. Both the Town Manager and the Finance Director are available to discuss any concerns you may have and to provide information to you about our policy on unlawful harassment and discrimination including sexual harassment and our complaint process.

If an employee brings the matter to the Town Manager or to the Finance Director 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, 20 Williams Street, Longmeadow, Massachusetts 01106 Tel. (413) 565-4110.

## **Unlawful Harassment and Discrimination Including Sexual Harassment Investigation**

When we receive the complaint of unlawful harassment or discrimination including sexual harassment, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. 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.

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.

### **Disciplinary Action**

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

### **State and Federal Remedies**

In addition to the above, if you believe you have been subjected to unlawful harassment or discrimination, 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 has a short time period for filing a claim (EEOC – 300 days; MCAD - 300 days).

#### **The United States Equal Employment Opportunity Commission (“EEOC”)**

One Congress Street, 10th Floor  
Boston, MA 02114  
(617) 565-3200

#### **The Massachusetts Commission Against Discrimination (“MCAD”)**

Boston Office Springfield Office  
One Ashburton Place 436 Dwight Street  
Room 601 Room 220  
Boston, MA 02108 Springfield, MA 01103  
(617) 727-3990 (413) 739-2145

Adopted by the Longmeadow Select Board on March 27, 2006  
Revised by ERG on June 19, 2014