

TOWN OF CARLISLE

SEXUAL HARASSMENT POLICY

Introduction: It is the goal of the Town of Carlisle 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 may find themselves in connection with their employment is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from 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. Because the Town of Carlisle takes allegations of sexual harassment seriously, it will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, it 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 the Town's goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit its authority to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

Definition. 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, 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 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 sexual 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 circumstance 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:

- (1) unwelcome sexual advances-whether they involve physical touching or not;
- (2) 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;
- (3) displaying sexually suggestive objects, pictures, cartoons;
- (4) unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- (5) inquiries into one's sexual experiences;
- (6) 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 is unlawful and will not be tolerated by this organization.

Complaints: If an employee believes that he or she has been subject to sexual harassment, the employee has the right to file a complaint with the Town. This can be done in writing or orally. The Board of Selectmen will be available to discuss any concerns an employee may have and to provide information to the employee regarding the Town's policy on sexual harassment.

Investigation: The Town will promptly investigate any and all allegations in a fair, expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Investigations will include a private interview with the person filing the complaint and with the witnesses. Interviews will also be conducted with the person alleged to have committed the sexual harassment. All parties will be informed as to the results of the investigation. If it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the offending conduct, and where it is appropriate, the Town will also impose disciplinary action.

Disciplinary Action: If it is determined that inappropriate conduct has been committed by one of the Town's employees, the Town 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 the Town deems appropriate under the circumstances.

State and Federal Remedies: In addition to the above, employees who believe that they have been subject to sexual harassment may file a formal complaint with either or both of the following government agencies: The United States Equal Opportunity Commission, and the

Massachusetts Commission Against Discrimination. Using the Town's complaint process does not prohibit employees from filing complaints with these agencies. Each of these agencies has a short time period for filing complaints (EEOC -180 days; MCAD -6 months).

A complaint may be filed with one or both of the following:

United States Equal Employment Opportunity Commission (EEOC)

John F. Kennedy Federal Building
Government Center
Room 475
Boston, MA 02203

Massachusetts Commission Against Discrimination (MCAD)

Boston Office:

One Ashburton Place, Rm 601
Boston, MA 02108
(617) 727-3990

Springfield Office:

State Office Building
436 Dwight St., Rm 220
Springfield, MA 01103
(413) 739-2145