

## Town of Rockport

### Policy on Sexual Harassment

#### A. PURPOSE AND SCOPE

The purpose of this document is to define the Town of Rockport's policy on sexual harassment, in compliance with applicable federal law, Title VII of the Civil Rights Act 1964; regulations promulgated by the U. S. Equal Employment Opportunity Commission (EEOC); and, applicable state law, Massachusetts General Law 151,B, most recently amended by MGL Chapter 278 of the Acts of 1996.

#### B. POLICY STATEMENT

The Town of Rockport, through its Executive Officer, the Board of Selectmen, as an employer, states unequivocally that sexual harassment in the workplace, as defined below, is unlawful and expressly prohibits any form of sexual harassment. If it is determined that inappropriate conduct has been committed by an employee, the Town will take such action as is appropriate under the circumstances. Such action may range from counseling to termination of employment, and may include such other forms of disciplinary action. The Town of Rockport is committed to promoting a safe, comfortable and appropriate work environment that is free from all forms of sexual harassment; is committed to protecting the rights of all employees; and is committed to outlining proper management, interpretation and interventions that are professionally appropriate and respectful of each employee's personal rights to privacy.

It is also the policy of the Town of Rockport that it is unlawful to retaliate against anyone who files a complaint or cooperates in an investigation of complaint of sexual harassment, and in itself a violation of this policy, subject to disciplinary action.

## C. APPLICABILITY

This policy applies to all employees of the Town, excluding those under the supervision and control of the Rockport School Committee<sup>1</sup>, as well as having applicability to its agents, elected or appointed officials, consultants, and volunteers<sup>2</sup>. The Town of Rockport will make every reasonable effort to inform its entire population of this policy and is aware that every complaint received will be investigated and resolved appropriately. All persons having supervisory responsibilities over other employees have a responsibility to create an atmosphere free of sexual harassment. Further, all supervisory personnel have the responsibility to familiarize themselves with the complaint procedure which has been established for the Town of Rockport and incorporated herein.

To promote compliance with the goals of this policy:

- (1) Each employee is provided with a copy of this policy on an annual basis, which informs them that sexual harassment is prohibited conduct which will not be tolerated or condoned and that disciplinary action will be taken against persons who engage in sexual harassment;
- (2) Employees will be advised of their rights to complain to the Sexual Harassment Grievance Officer, the Massachusetts Commission Against Discrimination (MC@), and the EEOC, and of sanctions imposed for engaging in sexual harassment;
- (3) Employees will be advised of the requirements and procedures for filing internal complaints of sexual harassment.

## D. DEFINITIONS

---

<sup>1</sup>Adopted its own policy November 6, 1996.

<sup>2</sup> As follows, the use of the word 'employee' shall apply to elected and appointed officials, the Town's agents, consultants and volunteers.

Sexual Harassment--As defined by EEOC guidelines, it is conduct which includes unwelcome sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual nature which may be considered sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to, or rejection of such conduct by an individual issued as the basis for employment decisions affecting such individuals; or
3. Such advances, requests or conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, humiliating or offensive working environment.

Explanation of Sexual Harassment--In its simplest expression, sexual harassment is unwelcome verbal or physical contact of a sexual nature that impacts on the conditions of employment. There generally have been two forms of sexual harassment which have been defined as follows:

1. There is the "quid pro quo" form of sexual harassment which occurs when the harassment is used by the offending individual as the basis for employment decisions--tangible job benefits granted or withheld--affecting the victim; for example:
  - a. demanding sexual favors, accompanied by threats concerning one's job security, performance evaluations, assignments, etc..
  - b. engaging in reprisals (not granting promotions, assigning undesirable tasks, making negative statements about the victims personal or work conduct, etc.), as a result of an individual's refusing to engage in social/sexual behavior.

2. The other form of sexual harassment occurs when an employee is subjected to unwelcome sexual conduct which unreasonably interferes with the employee's work performance or creates an intimidating, hostile, humiliating or offensive working environment to a male or female may also constitute sexual harassment, for example:

a. verbal comments of a sexual nature, e.g. questions and comments about a person's sexual behavior, comments about a person's body or dress;

b. making offensive comments, jokes, innuendo, and other sexually-oriented statements;

c. use of abusive or demeaning language, e.g. swearing; or the use of such words as "chicks" "skirts" "hunks" "studs" or slang for certain body parts; and use of terms of endearment, e.g. "cutie", "honey", or "sweetheart".

d. offensive and unwelcome touch of any kind, e.g., patting, hugging, kissing, cornering or brushing up against someone, etc..

e. displaying sexually suggestive pictures, objects, cartoons, posters or pornographic material;

f. refusing to take action or to enforce disciplinary measures against a person who has been sexually harassing another staff member or otherwise condoning such behavior;

g. continuing to ask a person to socialize after work when that person has verbally indicated no interest in such activity;

h. subtle pressure for sexual activity, e.g., continuing to write suggestive notes or letters after being informed they are unwelcome.

Scope of Sexual Harassment--In its broadest terms:

1. A man as well as a woman may be the victim of sexual harassment, and a woman as well as man may be the harasser.
2. The harasser does not have to be the victim's supervisor, but may also be an agent of the supervisor, a supervisory employee who does not supervise the victim, a non-supervisory employee (co-worker), or, in some circumstances, even a non-employee, i.e. vendor.
3. The victim does not have to be the opposite sex from the harasser.
4. The victim does not have to be the person at whom the unwelcome sexual conduct is directed. The victim may also be someone who is affected by such conduct when it is directed toward another person. For example, the sexual harassment of one female (or male) may create an intimidating, hostile, or offensive working environment for another female (or male) or unreasonably interfere with the latter's performance.
5. Sexual harassment does not depend on the victim's having suffered a concrete economic injury as a result of the harasser's conduct. For example, improper sexual advances which do not result in the loss of a promotion by the victim or the discharge of the victim may, nonetheless, constitute sexual harassment where they unreasonably interfere with the victim's work or create a harmful or offensive work environment.

## E. COMPLAINT PROCEDURE

Any employee who believes they have been subjected to or has witnessed a form of sexual harassment should comply with the following procedure in order to report an alleged charge or incident of sexual harassment. Confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances to protect the privacy of persons involved. Investigations may include interviews with parties involved and where necessary, with individuals who may have observed the alleged conduct or who may have relevant knowledge.

Step 1--The individual alleging sexual harassment, where appropriate, must first communicate to the alleged harasser that the conduct exhibited is either unwelcome and/or unlawful and a violation of the Town's sexual harassment policy.

Step 2--If such conduct continues, the individual alleging sexual harassment may prefer to discuss the issue with his or her supervisor, if appropriate; if not, the individual will report the incident to the Sexual Harassment Grievance Officer at the following address and telephone number:

Sheila J. Irvin, Executive Assistant  
Board of Selectmen  
Town of Rockport  
Town Hall Office Building,  
34 Broadway  
Rockport, MA 01966  
Tel. 508/546-6786

who will immediately and thoroughly conduct a preliminary investigation of the complaint.

Step3--If, after the completion of this preliminary investigation it is determined that there is reasonable cause for finding a violation of this policy, the Grievance Officer will notify the complainant and the alleged harasser of the finding. The alleged harasser will be provided with the details of the complaint and given the opportunity to refute the allegation by responding verbally or in writing, providing all specifics in support of rebuttal. Investigative efforts and interviews will be documented in an internal administrative memorandum, directed to the Town Administrator and! or the appropriate department head.

The alleged harasser will be provided with the details of the complaint and given the opportunity to refute the allegation by responding verbally or in writing, providing all specifics in support of rebuttal.

The Grievance Officer shall issue a statement of findings that addresses all allegations in the complaint. If the allegations of sexual harassment is unsubstantiated, the matter shall be closed internally. If after appropriate investigation the allegations are shown to be deliberately false, the Town Administrator will determine the potential for and the type and severity of disciplinary action against the complainant. If the investigative report concludes that a violation of the Town's policy has occurred, the allegations shall be submitted to the Town Administrator and then to Town Counsel for review, analysis and disposition. In any case, the employee making the complaint also has a right to file a complaint with the following State and Federal Agencies:

Massachusetts Commission Against Discrimination  
One Ashburton Place -Room 601  
Boston, MA 02108  
Tel. (617) 727-3990

Equal Employment Opportunity Commission  
1 Congress Street -10th Floor  
Boston, MA 02114  
Tel. (617) 565-3200  
TDD (617) 565-3204

Any retaliatory action taken by an employee against any other employee as a result of an individual's seeking redress under this procedure is prohibited and shall be regarded as a separate and distinct cause for complaint under this procedure, and as a basis for disciplinary action against the offending employee.

The Board of Selectmen affirms its responsibility to provide a work environment free of sexual harassment and recognizes that such an environment is the result of continued responsible action and behavior by all employees. Any employee is encouraged to raise questions regarding sexual harassment or other barriers to equal employment opportunity with the Executive Assistant.

TOWN OF ROCKPORT  
BY ITS BOARD OF SELECTMEN

DATE: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_