



TOWN OF DEERFIELD

Board of Selectmen and Board of Health
8 Conway Street
South Deerfield MA 01373
Voice: 413.665.1400 x. 104
Facsimile: 413.665.1411
Website: www.deerfieldma.us

Selectboard Policy 2014-04

FREEDOM FROM UNLAWFUL HARASSMENT, DISCRIMINATION AND SEXUAL HARASSMENT POLICY

It is the goal of Town of Deerfield 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 Deerfield. 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 Deerfield 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, 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 Deerfield.

Complaints of Sexual Harassment, 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 Deerfield. 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 Administrator at 8 Conway Street, South Deerfield, MA, 01373 or 413-665-1400 x 104 or administrator@town.deerfield.ma.us, the Treasurer-Collector-Town Clerk, at 8 Conway Street, South Deerfield MA, 01373 or 413-665-1400 x 102 or townclerk@town.deerfield.ma.us. Both the Town Administrator and Treasurer-Collector-Town Clerk 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 Administrator or to and does not believe that the situation has been satisfactorily resolved, the employee should then bring complaint to the Chair of the Board of Selectmen, 8 Conway Street, South Deerfield, MA 01373 or at 413-665-1400.

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 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 021 14
(6 17) 565-3200

The Massachusetts Commission Against Discrimination ("MCAD")

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

Springfield Office
436 Dwight Street
Room 220
Springfield, MA 01 103
(41 3) 739-2145

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