

TOWN OF TYRINGHAM

SEXUAL HARASSEMENT POLICY AND PROCEDURES

I. Introduction

It is the goal of the Town of Tyringham to promote a work place that is free of sexual harassment. Sexual harassment of employees occurring in the work place or in other setting 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 work place 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 Tyringham 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 necessary, including disciplinary action where appropriate.

Please note that while this policy will set forth our goal of promoting a work place that is free from sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for work place conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

II. Definition of sexual harassment:

In Massachusetts, the legal definition of 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 individuals work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, the following conduct would constitute sexual harassment:

- Unwelcome sexual advances – whether they involve physical touching or not;
- Direct or implied requests for sexual favors in exchange for actual or promised salary increases, promotions, increased benefits, or continued employment’
- Assault or coerced sexual acts.

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 the 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 depredate upon the totality of the circumstances including the severity of the conduct and pervasiveness:

- 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 individuals sexuality, deficiencies, or prowess;
- Displaying sexual suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one’s sexual experiences; and

- Discussions of ones sexual activities.

All employees should take special not 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 this organization.

III. Complaint of Sexual Harassment

If any of our employees believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting the Board of Selectmen, PO Box 442 Tyringham, MA 01264 (413) 243-1749.

Such an individual may include: human resources director/manager/legal counsel to organization/or other appropriate supervisory Person. (This person)(These persons)(Is/are) also available to discuss any concerns you may have and to provide further information to you about our policy on sexual harassment and our complaint process.

IV. Sexual Harassment Investigation

When we receive the complaint 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 filling the complaint and with witness. 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 the 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.

V. 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.

VI. State and Federal Remedies

In addition to the above, if you believe you have been subjected to 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 the agencies.

1. The United States Equal Employment Opportunity Commission ("EEOC")

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

Phone: 1-800-669-400

Fax: 617-565-3196

TTY: 1-800-669-6820

2. The Massachusetts Commission against Discrimination ("MCAD")

Boston Office:
One Ashburn Place
6th Floor - Room 601
Boston, MA 02108
617-994-6000

Springfield Office:
436 Dwight Street
2nd Floor - Room 220
Springfield, MA 01103
413-739-2145

Worcester Office:
484 Main Street
Room 320
Worcester, MA 01608
508-453-9630

New Bedford Office
800 Purchase Street
Room 501
New Bedford, MA 02740
508-990-2390