



Town of Ayer

Policy Against Sexual and Unlawful Harassment

1. Introduction

It is the goal of Town of Ayer to promote a workplace that is free of sexual harassment or any other form of unlawful harassment or practice. Sexual or unlawful harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment will not be tolerated. Further, any retaliation against an individual who has complained about sexual or unlawful harassment or retaliation against individuals for cooperating with an investigation of a sexual or unlawful harassment complaint will not be tolerated. To achieve our goal of providing a workplace free from sexual or unlawful 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 Ayer takes allegations of harassment seriously, we will respond promptly to complaints of 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 or unlawful 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 or unlawful harassment. The Town recognizes the importance of an employee's right to work in a non-hostile environment regarding sexual and unlawful harassment and the Town of Ayer will take all reasonable actions to ensure that no employee be subjected to sexual or other unlawful harassment by a member of the public.

2. Definitions

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:

1. 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,
2. 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 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:

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; and,
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, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

Unlawful Harassment or Practice

This policy shall include definitions of unlawful practices as stated in guidelines issued by the United States Equal Employment Opportunity Commission in connection with Title VII of the Civil Rights Act of 1964 and Massachusetts General Laws, Chapter 151B, Section 1, and Title I of the Civil Rights Act of 1991. The Civil Rights Act of 1964 prohibits discrimination against any employee due to their race, color, religion, sex or national origin. Chapter 151B, Section 1 of the Massachusetts General Laws identifies as an unlawful practice and discrimination because of the race, color, religious creed, national origin, sex, sexual orientation, genetic information or ancestry of an employee. Harassment becomes unlawful where enduring the offensive conduct becomes a condition of continued employment or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Employee

A person hired or authorized to perform work or carry out tasks, duties, or responsibilities for the

Town of Ayer, whether or not the person receives compensation for these activities. A Town board or committee member is an employee of the Town for the purpose of this policy. An independent contractor or any employee of any independent contractor shall not be considered an employee of the Town of Ayer for the purpose of this policy unless the independent contractor performs his/her work for the town in a work place controlled by the Town of Ayer under the supervision of a Town employee, office, board or committee.

Work Place

Any office, building, facility, vehicle, indoor or outdoor area under the control of the Town of Ayer in which any employee is expected or required to carry out the functions of their position.

Supervisor

The person, board, committee, or commission to whom an Employee reports or is responsible for the performance of his/her assigned duties on a daily basis.

3. Complaints of Sexual or Unlawful Harassment

If any of our employees believes that he or she has been subjected to sexual or unlawful harassment, the employee has the right to file a complaint with our organization. Details of the incident or conduct should be documented in writing, however, notification may be made verbally.

An employee may file a complaint by contacting:

- Assistant to the Town Administrator, One Main St., Ayer, MA 01432, 978-772-8220, ATA@ayer.ma.us
- Benefits and Payroll Manager, One Main St., Ayer, MA 01432, 978-772-8248, BPM@ayer.ma.us

These individuals are also available to discuss any concerns you may have and to provide information to you about our policy on sexual or unlawful harassment and our complaint process.

4. Sexual or Unlawful Harassment Investigation

When we receive a 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 filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual or unlawful 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.

5. 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 are deemed appropriate under the circumstances.

6. State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual or unlawful harassment, you may file a formal complaint with either or both of the government agencies listed 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)
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: 1-800-669-4000

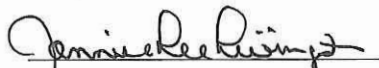
The Massachusetts Commission against Discrimination (MCAD)
One Ashburton Place
Sixth Floor, Room 601
Boston, MA 02108
Phone: 617-994-6000

7. Compliance and Training

The Town will provide regular training to employees and supervisors on the Prevention of Sexual and Unlawful Harassment. Each employee is responsible to make every effort to create and maintain a work environment that is free from sexual and unlawful harassment and encourage fellow employees to report violations of this policy to their Supervisor or either of the contacts listed in paragraph 3.


Gary J. Luca, Chair


Christopher R. Hillman, Vice-Chair


Jannice L. Livingston, Clerk

TOWN OF AYER
BOARD OF SELECTMEN

Date: June 7, 2016

Policy Against Sexual and Unlawful Harassment

This acknowledges that I have received and reviewed the Town of Ayer Policy Against Sexual and Unlawful Harassment ("Policy"). By signing this form, I agree to abide by the Policy and any Guidelines promulgated thereunder, and I agree to review periodically any changes or modifications. I recognize that the law and associated Policy Against Sexual and Unlawful Harassment is evolving, and understand that my regular review of this Policy as it may be amended is required.

Print Name: _____

Signature: _____

Date: _____

To be included in employee's personnel file.