

POLICY 97-1

(Revision of POLICY 96-1)

SEXUAL HARASSMENT POLICY

I. PURPOSE AND SCOPE

The purpose of this document is to outline the Town's policy on sexual harassment, and to ensure compliance with applicable federal laws, state statutes, and town by-laws.

II. APPLICABILITY

This policy applies to all employees of the Town of Hanover including those employees under the supervision and control of the School Committee.

III. DEFINITIONS AND EXAMPLES

Sexual Harassment: That 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:

- submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive learning or working environment.

General examples of such behavior may include:

- Unwelcome sexual flirtations, advances, propositions, cornering or physical contact;
- Verbally abusive comments about a person's body;
- Graphic verbal comments about a person's body;
- Sexually degrading words used to describe a person;
- The display in the workplace of sexually suggestive objects or pictures.

IV. POLICY

Sexual harassment is illegal, and therefore, the Town of Hanover will not tolerate sexual harassment in the workplace. The duty to prevent such harassment arises from MGL Chapter 151(B), and from Title VII of the U.S. Civil Right Act of 1964 which includes sexual harassment as a form of unlawful discrimination.

It is unlawful to retaliate against an employee involved in a sexual harassment case (whether involved by filing a complaint or for cooperating in an investigation).

V. PROCEDURES

A. Department heads and appointing authorities are responsible for the following:

- disseminating this policy to employees under their supervision;
- informing employees that sexual harassment is prohibited conduct which will not be tolerated or condoned, and that disciplinary action will be taken against any person who engages in sexual harassment;
- advising employees of their right to complain to one of the Town's Sexual Harassment Complaint Hearing Officers, the Massachusetts Commission Against Discrimination (MCAD), and the U.S. Equal Employment Opportunity Commission (EEOC) (See Attachment A);
- informing employees that it is advisable to report conduct which the employee believes to be sexual harassment in a timely manner (The Massachusetts Commission Against Discrimination, under Employment Rights, defines timely manner to be within six (6) months of alleged discrimination.); and
- assisting all parties in the complaint resolution process.

B. Each employee is personally responsible for:

- ensuring that his/her conduct does not sexually harass any other employee, applicant for employment, or other individual in the workplace;
- cooperating in any investigation of a report or complaint of alleged sexual harassment; and
- cooperating with the Town's efforts to maintain a learning or working environment free from such unlawful discrimination.

C. Sanctions

Any employee found to have engaged in sexual harassment in violation of this policy will be subject to disciplinary action up to and including termination from Town service.

VI. COMPLAINT RESOLUTION PROCESS

- Any employee who believes that he/she has been discriminated against in violation of this policy should file a complaint in writing to one of the Town's Sexual Harassment Complaint Hearing Officers. The addresses and telephone numbers of these people are listed on Attachment A. An employee who does not feel comfortable with bringing a complaint to one of the Sexual Harassment Complaint Hearing Officers is always free to bring such a complaint to the attention of his/her supervisor or any other supervisory/managerial employee of the Town who in turn will ensure that the complaint is processed appropriately. Whether the complaint is brought to a Hearing Officer or to the employee's supervisor, or any other managerial position of the Town, then all complaints will be reviewed by a second, or possibly a third Hearing Officer to ensure that the complaint is processed appropriately.
- All such complaints shall be kept confidential, subject to review by the Chief Executive Officers of the Town. At the discretion of the person(s) conducting the investigation, the Department Head(s) will be notified that an investigation is taking place.. Documents pertaining to such complaint will not be included in the personnel file of the employee filing the complaint.
- Once a complaint is received, it shall be put in writing by either the complaining party, one of the Sexual Harassment Complaint Hearing Officers, or the supervisor to whom it was reported. That member, or other Sexual Harassment Complaint Hearing Officer, shall initiate a prompt investigation of the complaint of sexual harassment. Such investigation may include interview(s) with the alleged harasser, further interviews with the complainant, interviews with the employees, former employees or other individuals identified by either the complainant or the alleged harasser as possessing information about the matter, review of documentation and/or any other actions necessary to thoroughly investigate the complaint.
- The investigation shall be completed as soon as possible given the circumstances. When the investigation is completed, the person(s) conducting the investigation shall put their findings in writing, including a finding as to whether it is believed that sexual harassment has occurred, as well as any recommended discipline. The Complaint Hearing Officer(s) shall inform the complainant and the alleged harasser of their conclusions.
- If the Sexual Harassment Complaint Hearing Officers determines that the allegations, or any part of the allegations, are credible, the Department Head shall be notified with any recommended disciplinary action (warning, reprimand, demotion, suspension, up to and including discharge). Imposition of discipline shall not preclude other courses of action in addition to the discipline; such other courses of action may include counseling, training and the like.
- If the Hearing Officer(s)' finding is that no sexual harassment has occurred, then the file will be closed and not be a consideration in any other employment decisions relative to any of the parties involved.
- An employee who is unwilling to make a complaint to the Town's Sexual Harassment Complaint Hearing Officers may file a complaint directly with the MCAD or EEOC. These agencies may investigate the situation and may or may not issue a complaint. The addresses and telephone numbers of these agencies are included on Attachment A.

VII. CONSIDERATIONS

The Town's view of sexual harassment includes, but is not limited to, the following considerations:

- A man or a woman may be the victim of sexual harassment, and a man or a woman may be the harasser;
- The harasser does not have to be the victim's supervisor. (S)he may be a supervisory employee who does not supervise the victim, a co-worker, or even a non-employee, such as a board member;
- The victim does not have to be of the opposite sex from the harasser;
- The victim does not have to be the person at whom the unwelcome sexual conduct is directed. (S)he may also be someone who is affected by such conduct when it is directed toward another person. The sexual harassment of one employee may create an intimidating, hostile, or offensive learning or working environment for another employee, or may unreasonably interfere with the co-workers's performance.
- Sexual harassment does not depend on the victim's having suffered a concrete economic injury as a result of the harasser's conduct. Improper sexual advances which do not result in the loss of a promotion by the victim, or the discharge of the victim, nonetheless constitute sexual harassment by unreasonably interfering with the victim's work or by creating a hostile or offensive work environment.

ATTACHMENT A

Sexual Harassment Complaint Hearing Officers - Appointed by the Town Manager

Anthony Marino
Dir. of Community Services
Town Hall
(781) 826-6400

Thomas Rabb
Principal
Hanover High School
(781) 878-5450

Gregory Nihan
Police Lieutenant
Police Station
(781) 826-3813

Jennifer Petit
Municipal Finance Director
Town Hall
(781) 826-5000

Barbara Stone
Deputy Fire Chief
Fire Headquarters
(781) 826-3151

Wanda J. Barron
Personnel Administrator
Town Hall
(781) 826-7764

Martha Zuther
Assistant Principal
Hanover Middle School
(781) 871-1122

Massachusetts Commission Against Discrimination

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

United States Equal Employment Opportunity Commission

(EEOC) Boston Office
One Congress Street, 10th Floor
Boston, MA. 02114
(617) 565-3200