POLICY RELATING TO SEXUAL HARASSMENT
TOWN OF SHUTESBURY MASSACHUSETTS

Adopted by the Selectboard
April 15, 1997
Amended June 2000

1. Introduction

It is the goal of the Town of Shutesbury to promote a workplace that is free of sexual harassment. Sexual 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.

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 also not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, we have provided procedures by which inappropriate conduct will be dealt with if encountered by employees.

Because the Town of Shutesbury 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 nor 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.

2. Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is 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 individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

- Displaying sexually suggestive objects, pictures, cartoons;

- Leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;

- Inquiries into one's sexual experiences;

- Discussion of one's sexual activities; and,

- Comments regarding gender stereotypes which demean, embarrass or humiliate employees.

3. Informal Investigation of Complaint

If any of our employees believes that they have been subjected to sexual harassment, it is our policy to provide the employee with the right to file a complaint with our organization. This may be done in writing or orally to our Affirmative Action Officers (AAO) who are designated below. When the AAO receives the complaint, he/she will then investigate the allegation in a fair and expeditious manner. The AAO's investigation would include a private interview with the person filing the complaint and with witnesses. He/she will also interview the person alleged to have committed sexual harassment. The AAO may, if necessary, request written statements in addition to the private interviews. If

the AAO is unable to resolve the complaint, he/she will report the investigative findings to the Selectboard for disposition.

If the investigation reveals that sexual harassment did occur, we will act promptly to eliminate the offending conduct, and when it is appropriate, we will also impose disciplinary action which could include termination from employment. In addition, when the investigation is completed through formal or informal procedures, we will inform the person filing the complaint and the person alleged to have committed the offense of the results of that investigation, including allegations that have not been sustained.

If you would like to file a complaint, you may do so by contacting the Town's Affirmative Action Officer.

4. Formal Investigation of Complaint

If the Select Board receives the complaint, it 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 in appropriate 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 we deem appropriate under the circumstances.

6. 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 these agencies. Each of the agencies has a specific time period for filing a claim: EEOC, 180 days; MCAD, 6 months.

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

1 Congress Street - 10th Floor
Boston, MA 02114
(617) 565-3200

1. The Massachusetts Commission Against Discrimination ("MCAD")

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

Springfield Office
424 Dwight Street - Rm 220
Springfield, MA 01103
(413) 739-2145