

TITLE 16

SEXUAL HARASSMENT POLICY AND PROCEDURE

Articles and Sections: (numbered and titled as passed)

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I. POLICY STATEMENT

Sexual harassment creates an unpleasant work environment and hinders good job performance. Not only are the victims of sexual harassment affected by this type of conduct, sexual harassment adversely affects all other employees of the City of Woburn. Sexual harassment undermines the integrity of the workplace and can result in excessive absenteeism, loss of morale, and polarization of staff. It is imperative, therefore, that all employees be sensitive to the effects of their actions.

It is the goal of the City of Woburn 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 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 workplace 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 City of Woburn takes allegations of sexual harassment seriously, it will

respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, it 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 the City of Woburn's 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 actions for workplace conduct which it deems unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

II. DEFINITION OF SEXUAL HARASSMENT

For purposes of this policy and consistent with applicable law, sexual harassment is defined as follows:

Unwelcome sexual advances, request for sexual favors, and other verbal and/or physical conduct of a sexual nature constitute sexual harassment when:

- a. submission to such advances, requests, or conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
- c. 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.

III. EXAMPLES OF 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;

Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
Inquiries 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 this organization.

IV. SEXUAL HARASSMENT INVESTIGATION

If any city employee believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint. This may be done in writing or orally. If you would like to file a complaint you may do so by contacting the Mayor, or his designee, City Hall, 10 Common Street, Woburn, MA 01801, (617) 932-4501, who is available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

V. SEXUAL HARASSMENT INVESTIGATION

The Mayor or his designee will promptly investigate the allegation in a fair and expeditious manner. The investigation will include a private interview with the person filing the complaint and with witnesses. The investigation will also include an interview with the person alleged to have committed sexual harassment. When the investigation is completed the Mayor or his designee to the extent appropriate, will 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, prompt action will be taken to eliminate the offending conduct, and where it is appropriate, disciplinary action will be taken.

VI. DISCIPLINARY ACTION

If it is determined that inappropriate conduct has been committed by a city employee, the Mayor or his designee 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 is deemed appropriate under the circumstances.

VII. STATE AND FEDERAL REMEDIES

In addition to the above, if you believe you may have been subject to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth

below. Using the City of Woburn's 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 – 180 days; MCAD – 6 months).

The United States Equal Employment Opportunity Commission ("EEOC")
10 Congress Street – 10th Floor
Boston, MA 02114

The Massachusetts Commission Against Discrimination ("MCAD")
Boston Office: One Ashburton Place, Suite 601, Boston, MA 02108 (617) 727-3990
Springfield Office: 424 Dwight Street – Room 220, Springfield, MA 01103 (413) 739-2145

(added 2/7/97)