

TOWN OF SUTTON

SEXUAL HARASSMENT & GENDER BIAS POLICY

The following policy of the Town of Sutton is distributed on an annual basis to all employees, boards, committees, and commissions in accordance with state & federal law. This policy is part of the Town of Sutton general by-laws as voted by Town Meeting, October 20, 1997.

Employees shall sign and return to the Town Administrator page 4 ONLY of this distribution.

(Note: Page 4 is a duplicate of Page 3).

27.6.7 - Sexual Harassment & Gender Bias Policy Statement

(1) General Statement of Policy: The Town of Sutton does not discriminate on the basis of sex in employment opportunities, wages, hours, benefits, job advancement or any other terms or conditions of employment. It is the policy of the Town of Sutton that all employees shall have the same opportunities for professional development and experience regardless of gender.

(2) Policy on Sexual Harassment: Sexual harassment constitutes unlawful sex discrimination in violation of Title VII of the Civil Rights Act of 1964 and Massachusetts General Law. Sexual Harassment is defined by the Equal Employment Opportunity Commission as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

[a] Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, and/or

[b] Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting said individual; and/or,

[c] Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual Harassment includes threats or insinuations, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment. It also includes offensive sexual flirtations, advances, propositions, verbal abuse of a sexual nature, graphic verbal comments about an individual's body, sexually degrading words used to describe an individual, the display in the work place of sexually suggestive objects, pictures or drawings, and any unwelcome touching or physical contact.

The department head and employee each have an affirmative duty to maintain his or her work place free of sexual harassment and intimidation. Therefore, it is the responsibility of the department head to report to the Town Administrator any

complaints received from any employee concerning sexual harassment including any observations of behavior that may be construed to be sexual harassment. Complaints concerning a department head shall be reported by the aggrieved employee directly to the Town Administrator. Complaints concerning the Town Administrator shall be reported directly to the Board of Selectmen. Complaints from the Town Administrator shall be reported to the Board of Selectmen.

Any employee who is the victim of sexual harassment in the work place, whether from supervisors or co-workers, or who observes behavior that could be construed as sexual harassment shall immediately report the matter to the department head or the Town Administrator. All investigations into any complaints will be conducted in such a way as to maintain confidentiality to the extent practical under the circumstances. All complaints will be investigated in a timely manner, and corrective action taken if warranted. Both the aggrieved and offending party shall be notified of the results of such investigation. 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 unlawful and will not be tolerated.

(3) Disciplinary Action: This policy sets forth our goals of promoting a work place that is free of sexual harassment but does not limit the Town of Sutton to discipline or take remedial action for work place conduct which is deemed unacceptable, regardless of whether that conduct satisfied the definition of sexual harassment. If it is determined that inappropriate conduct has been committed by an employee, the Town will take appropriate action. 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.

(4) State & Federal Remedies: In addition to those steps outlined above in this policy, if an employee believes he or she has been subjected to sexual harassment or gender bias, he or she may file a formal complaint with either or both of the government agencies set forth below. Using the Town's complaint process does not prohibit an employee from filing a complaint with these agencies. Each of these agencies has a short time period for filing a claim (EEOC-180 Days; MCAD - 6 Months). The following identifies these agencies, with all information correct at the time of adoption of this policy:

[a] The United States Equal Employment Opportunity Commission (EEOC), 1 Congress Street, 10th Floor, Boston, MA 02114, Telephone (617) 565-3200.

[b] The Massachusetts Commission Against Discrimination, One Ashburton Place, Boston, MA 02108, Telephone (617) 727-3990, or the Springfield Office at: 424 Dwight Street, Room 220, Springfield, MA 01103, Telephone (413) 739-2145.

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Please fill in all information below and return to the Town Administrator.

Thank you.

Signature: _____ Date: _____

Print Name: _____

Department/Board/Committee: _____