

TOWN OF AUBURN

SEXUAL HARASSMENT: POLICY AND PROCEDURES

I. POLICY

A. Introduction. The Town of Auburn (the “Town”) depends upon a work environment of tolerance and respect for the achievement of its goals. The Town is committed to providing a working environment that is free of all forms of abuse or harassment. The Town recognizes the right of all employees to be treated with respect and dignity.

Sexual harassment is a form of behavior, which adversely affects the employment relationship. It is prohibited by State and Federal law. The Town also condemns and prohibits sexual harassment by any employee.

Sexual harassment does not refer to purely voluntary social activities. It refers to behavior, which is not welcomed by the employee, which is personally offensive to him or her, and which undermines morale and/or interferes with the ability of the employee to work effectively. Sexual harassment, as defined by the law may, depending upon the circumstances, include unwelcome action such as:

- Verbal abuse of a sexual nature, use of sexually degrading words, or jokes or language of a sexual nature;
- Physical contact including patting, pinching or repeated brushing against another’s body.
- Demands or requests for sexual favors accompanied by implied or overt promises of preferential treatment or threats concerning an individual’s status as an employee;
- Continuing to express sexual interest after being informed that the interest is unwelcome;
- Assaults or molestations; and
- Posting or distributing sexually suggestive pictures or other materials.

Sexual harassment is not limited to prohibited behavior by a male employee toward a female employee. Sexual harassment can occur in a variety of circumstances. Here are some things to remember.

- A man as well as a woman may be the victim of sexual harassment, and a woman as well as a man may be the harasser;
- The harasser does not have to be the victim's supervisor;
- 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. The victim may be someone who is affected by the harassing conduct, even when it is directed toward another person, if the conduct creates an intimidating, hostile, or offensive working environment for the co-worker or interferes with the co-worker's work performance.

Employee Responsibilities:

- Ensuring that his/her conduct does not sexually harass any other employee or person with whom the employee comes in contact on the job, such as an outside vendor;
- Cooperating in any investigation of alleged sexual harassment by providing any information he/she possesses concerning the matter being investigated;
- Actively participating in efforts to prevent and eliminate sexual harassment and to maintain a working environment free from such discrimination;
- Ensuring that an employee who files a sexual harassment claim or cooperates in an investigation may do so without fear of retaliation or reprisal.

B. The Rule. It is, therefore, against the policy of the Town for any employee of the Town, male or female, to harass another employee sexually, that is, by making unwelcome sexual advances, requests for sexual favors, or other uninvited verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of an employee's employment.
2. Submission to, or rejection of, such conduct by an individual is made the basis for employment decisions affecting the employee;
3. Such conduct has the purpose or effect of interfering with an individual's work performance;
4. A hostile or intimidating work environment is created for the employee.

It is also against the policy of the Town for an employee to sexually harass any person with whom the employee comes in contact on the job.

C. **Retaliation.** Retaliation against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of a sexual harassment complaint is against the law.

II. VIOLATION OF POLICY

Any employee violating this policy will be subject to appropriate discipline, including possible discharge by the Town.

III. PROCEDURES FOR COMPLAINTS

A. **Complaint.** The Town has designated a Sexual Harassment Officer. The current Sexual Harassment Grievance Officer is **Julie A. Jacobson, Town Manager**. The Sexual Harassment Grievance Officer can be reached at 102 Central Street, Auburn, MA 01501, and her telephone number is (508) 832-7718. If you would prefer, you may contact Deb Dubois, H.R. Coordinator, who has been designated as the Alternate Sexual Harassment Grievance Officer. The Alternate Sexual Harassment Grievance Officer can be reached at 104 Central Street, Auburn, MA 01501, and her telephone number is (508) 407-7631.

If an employee believes he or she has been the subject to sexual harassment, the employee should initiate a complaint by contacting the Sexual Harassment Grievance Officer as soon as possible. The employee should file the complaint promptly following any incident of alleged harassment. The employee should be aware that the longer the period of time between the event giving rise to the complaint and the filing, the more difficult it will be for the Sexual Harassment Grievance Officer to reconstruct what occurred. The employee will be requested to write out his or her complaint to document the charge.

If an employee prefers to discuss a possible sexual harassment problem with his or her supervisor, the employee may do so, but employees do not have to go through the regular chain of supervision when reporting sexual harassment and may go directly to the Grievance Officer.

B. **Investigation.** On receiving the complaint, the Sexual Harassment Grievance Officer or the Alternate Sexual Harassment Grievance Officer will promptly have a preliminary investigation made into the matter. If after the completion of this preliminary investigation it is determined that there is reasonable cause for finding a violation of this policy, the Town will notify the complainant and the charged employee of the finding orally. The charged employee will be requested to respond to the complaint. Additional investigation will be made to the extent appropriate in each case. This process will be confidential to the extent consistent with an effective investigation, subject to the business needs of the Town.

C. Decision. After the response of the charged employee has been made, and any further investigation, which may be warranted, has been carried out, the Town will make a final decision. If the Town finds that the allegations in the complaint have been established by the investigation, the Town will initiate discipline of the charged employee. Discipline will be appropriate to the offense and employees involved, and may include discharge.

The complainant will be notified of the disposition of the investigation.

IV. STATE AND FEDERAL AGENCIES

The Massachusetts Commission Against Discrimination, located at One Ashburton Place, Boston and 436 Dwight Street, Springfield, is responsible for enforcing the Massachusetts sexual harassment law, and the U.S. Equal Employment Opportunity Commission (“EEOC”) is responsible for enforcing the federal law prohibiting sexual harassment. The EEOC is located at One Congress Street, Room 1001, Boston. They may be contacted at the above addresses.

IV. ADOPTION BY BOARD OF SELECTMEN

This Policy was adopted by the Board of Selectmen on August 13, 2007 and replaces the Policy adopted by the Board on October 28, 1996.

V. ACKNOWLEDGMENT OF RECEIPT OF POLICY

I acknowledge receipt of this Sexual Harassment Policy from the Town, and I have read its contents.

Employee Signature

Print Name

Date

Witness