

## **Discrimination and Sexual Harassment Policy**

The Town of Hopkinton intends to provide a work environment that is pleasant, professional and free from intimidation, hostility or other offenses which might interfere with a positive, productive workplace culture. Harassment of any sort – verbal, physical, visual – will not be tolerated, particularly against employees in protected classes. These classes include but are not necessarily limited to race, ethnicity, color, religion, gender, age, sexual orientation, national origin or ancestry, disability, medical condition, marital status, veteran status or any other protected status defined by law. Each employee shall be given a full copy of the Town's Sexual Harassment Training at the beginning of each fiscal year.

### **A. Sexual Harassment and Discrimination Policy of the Town of Hopkinton.**

- (1) Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- (2) Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.
- (3) Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, citizenship or any other characteristic protected by law or that of his/her relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.
- (4) Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace.

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 the Town.

- (5) Complaints of discrimination or sexual harassment: Any employee who believes that he or she has been subjected to sexual harassment, he/she has the right to file a complaint with the Human Resources Director or Town Manager. This may be done in writing or verbally. If any employee would like to file a complaint, he/she may do so by contacting any of the two (2) people mentioned above. Please see the table below for exceptions:

<b>Harassment Allegations Against:</b>	<b>File Complaint With:</b>
Human Resources Director	Town Manager
Town Manager, Police Chief, Fire Chief, All Committee and Board members with the exception of the Board of Selectmen	Chair of Board of Selectmen
Board of Selectmen	Personnel Committee Chair

- (6) Sexual harassment investigation:
- (a) When the Town receives the complaint it will promptly investigate the allegation in a fair and expeditious manner by the Town Manager or his/her designee. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.
- (b) If it is determined that inappropriate conduct has occurred, the Town officer will act promptly to eliminate the offending conduct and take the appropriate disciplinary actions.

<b>Harassment Committed By:</b>	<b>Follow Through Person:</b>
Human Resources Director	Town Manager
Town Manager, Police Chief, Fire Chief, All committee and board members with the exception of the Board of Selectmen.	Chair of Board of Selectmen
Board of Selectmen	Personnel Committee Chair

- (7) Disciplinary Action: If it is determined that inappropriate conduct has been committed by an employee, the Town Manager 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 deemed appropriate under the circumstances.

- (8) State and Federal Remedies: In addition to the above, if an employee believes they have been subjected to sexual harassment, they may file a formal complaint with either or both of the government agencies set below. Using the Town's complaint process does not prohibit an employee from filing a complaint with these agencies. An employee has 300 days from the date of the last incident, to file a claim with the EEOC and MCAD.
- (a) The United States Equal Employment Opportunity Commission (EEOC)
- JFK Bldg. Government Center - 4th Floor  
(617) 565-3200  
Boston, MA 02203
- (b) The Massachusetts Commission Against Discrimination (MCAD)
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| Boston Office:<br>One Ashburton Place - Rm 601<br>Boston, MA 02108<br>(617) 727-3990 | Springfield Office:<br>424 Dwight Street, Rm 220<br>Springfield, MA 01103<br>(413) 739-2145 |
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- (9) It is the responsibility of all employees to create an atmosphere free of discrimination or harassment, sexual or otherwise.
- (10) No person filing a complaint shall be subjected to retaliation for doing so.
- (11) Retaliation: Any employee who, in good faith, reports an alleged incident of sexual or other harassment will under no circumstances be subject to reprisal or retaliation of any kind. Any employee who feels he or she has been subjected to retaliation should report him/her to his or her supervisor, the Human Resources Director or Town Manager. Any employee, however, who is found to have knowingly made a false accusation of sexual harassment or retaliation, may be subject to appropriate disciplinary action up to and including termination.