



**TOWN OF NORTH ATTLEBOROUGH
POLICY
RELATING TO SEXUAL HARASSMENT,
BULLYING AND OTHER FORMS OF HARASSMENT**

I. INTRODUCTION

It is the goal of the Town of North Attleborough, through its Board of Selectmen, to promote a workplace that is free of sexual harassment, bullying and other forms of harassment. Sexual harassment of employees (the term "employee" shall hereinafter also include elected or appointed officials), 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 by this organization. Bullying and other forms of harassment will also not be tolerated. Further, any retaliation against individuals for cooperating with an investigation of a sexual harassment, bullying and other forms of harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, bullying and other forms of harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure with which inappropriate conduct will be dealt, if encountered by employees.

Because the Town of North Attleborough takes allegations of sexual harassment, bullying and other forms of harassment seriously, we will respond promptly to complaints of sexual harassment, bullying and other forms of harassment and where it is determined 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, bullying and other forms of harassment, the policy is not designed or 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 definitions of sexual harassment, bullying and other forms of harassment.

II. DEFINITIONS

A. DEFINITION OF SEXUAL HARASSMENT

In Massachusetts, the legal definition of sexual harassment is this: sexual harassment means sexual advances, requests for 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 conducts 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.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome, and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute 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 persuasiveness:

- 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
- Discussion of one's sexual activities

All employees should take special note that, as stated above, retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Board of Selectmen.

B. DEFINITION OF BULLYING

For purposes of this policy, "Bullying" means the repeated use by one or more individuals of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at the workplace for the victim; or (iv) infringes on the rights of the victim at the workplace, or orderly operation of the workplace . For purposes of this section, bullying shall include "cyber-bullying."

For purposes of this policy, "cyber-bullying" means bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (iv), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (iv), inclusive, of the definition of bullying.

C. DEFINITION OF OTHER FORMS OF HARASSMENT

For purposes of this policy, "Other Forms of Harassment" means unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive work environment. Among the types of harassment proscribed by this policy are harassment based upon race, color, religion, national origin, ancestry, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status. However, that listing and types of harassment is not all-inclusive and any unwanted conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive work environment is covered by this policy and prohibited by this policy.

III. APPLICABILITY OF THE POLICY

For the purposes of this policy the term "employee" shall be deemed to include both persons employed by the town of North Attleborough and persons who serve the town in an elected and/or appointed manner, with or without financial remuneration.

IV. COMPLAINTS OF SEXUAL HARASSMENT, BULLYING AND OTHER FORMS OF HARASSMENT

If any of our employees believe that he or she has been subjected to sexual harassment, bullying and other forms of harassment the employee (or elected or appointed official) has the right to file a complaint with the individuals listed below, his/her department head or with the Board of Selectmen. This may be done orally or in writing.

Any department supervisor (or elected or appointed official), who is informed by a subordinate of a sexual harassment, bullying and/or other forms of harassment claim, is required to notify either the Town Administrator or Human Resources Director in an expeditious manner.

If you would like to file a complaint, you may do so by contacting one of the following people who will be available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment, bullying and other forms of harassment and our complaint process:

Town Administrator
Town Hall
43 South Washington St.
North Attleboro, MA 02760
(508) 699-0100

Human Resources Director
John Woodcock Administration Building
6 Morse St.
North Attleboro, MA 02760
(508) 643-2175

V. SEXUAL HARASSMENT, BULLYING AND OTHER FORMS OF HARASSMENT INVESTIGATION

When we receive the complaint, we 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, bullying and/or other forms of 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 is appropriate, we will also impose disciplinary action.

VI. 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.

VII. 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 short time period for filing a claim (EEOC – 180 days; MCAD – 6 months).

1. The United States Equal Employment Opportunity Commission (EEOC)
Kennedy Federal Building,
Government Center, Room 475
Boston, MA 02203
(617) 565-3200

2. The Massachusetts Commission Against Discrimination (MCAD)
Boston Office: One Ashburton Place, Room 601, Boston, MA 02108
(617) 994-6000

Springfield Office: 436 Dwight Street, Room 220, Springfield, MA 01103
(413) 739-2145

Worcester Office: Worcester City Hall
455 Main Street, Room 100
Worcester, MA 01608

New Bedford Office: 800 Purchase Street, Room 501
New Bedford, MA 02740