

TOWN OF WALPOLE
SEXUAL HARASSMENT POLICY

The Town of Walpole is committed to the provision of a safe and non-discriminatory work place for all of its employees excluding those employees under the supervision and control of the School Committee. Pursuant to this commitment the Board of Selectmen and the Personnel Board endorse and adopt the following policy and its adjunct procedures to educate employees, to comply with statutory mandates, to address real and potential incidents and to strive to secure a harassment-free work environment.

It is illegal and against the policies of the Town of Walpole for any employee or Town Official, male or female, to sexually harass another employee by:

1. making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature, a condition of the employee's continuing employment; or
2. making submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
3. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile or offensive working environment.

Examples of conduct, which may constitute sexual harassment include but are not limited to:

- a. using one's position or authority, either implicitly or explicitly, to coerce an employee into complying with sexual favor;
 - b. unwelcome physical touching, cornering or brushing against the body, suggestive or insulting comments;
 - c. questions and compliments about a person's sexual behavior, sexually oriented jokes, or comments about a person's body or conversations filled with sexual innuendo and double meanings, and
 - d. displaying sexually suggestive pictures or objects in the work place, leering or ogling in a sexually explicit manner, or gesturing and making lewd motions with one's body.
 - e. viewing sexually explicit websites, sending sexually explicit emails or voicemails.
- II. Retaliation against an individual who has complained about sexual harassment, and/or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Town of Walpole.

III. Any employee who believes he or she has been the subject of sexual harassment should report the alleged act(s) and/or behavior to his or her department head and/or the Town Administrator (508-660-7304), the Assistant Town Administrator (508-660-7288) and/or the Human Resource Administrator (508-660-7294). Complaints should be made within a timely manner. Complaints may also be made through contacting either of the two government agencies below:

Massachusetts Commission Against Discrimination
One Ashburton Place, Room 601
Boston, MA 02108 (617) 994-6000
Web site www.mass.gov/mcad

Equal Employment Opportunity Commission
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203 (800) 669-4000
Web site www.eeoc.gov/boston

An investigation of all complaints will be undertaken immediately and in compliance with the Sexual Harassment Complaint Procedure. Any supervisor, agent or other employee who has been found by the administration after appropriate investigation to have sexually harassed another employee will be subject to appropriate sanctions, which range, depending upon the circumstances, from remedial training up to and including termination.

Any retaliation for filing a complaint or cooperating in an investigation is unlawful and is prohibited by the Town. Retaliatory action shall be regarded as a separate and distinct cause for complaint under the Sexual Harassment Complaint Procedure, and as a basis for disciplinary action against the offending employee should investigation validate said complaint.

III. The complaint procedure shall be implemented in instances of the alleged sexual harassment of employees by non-employees and on non-employees by employees occurring in the work place and within the jurisdiction of the complaint procedure of the Town of Walpole. Alleged occurrences, which are not within the jurisdiction of the complaint procedure, will be referred to an enforcement agency, if applicable. If there is no available enforcement agency, administration will take reasonable steps to prevent such conduct.

The Board of Selectmen and the Personnel Board affirm their responsibility to provide a work environment free of sexual harassment and recognize that such an environment is the result of continued responsible action and behavior by all employees. Any employee is encouraged to raise questions regarding sexual harassment or other barriers to equal employment opportunity with the Assistant Town Administrator.

TOWN OF WALPOLE

SEXUAL HARASSMENT COMPLAINT PROCEDURE

Any employee who believes that he or she has been the subject of sexual harassment should report the alleged charge immediately in accordance with the following procedure. (All information disclosed in the procedure will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.)

STEP 1

The individual alleging sexual harassment will report the incident to the to his or her department head and/or Town Administrator, Assistant Town Administrator or Human Resource Administrator as soon as possible and will be interviewed to discuss the nature of the allegations. If said allegations are made to another person, the matter must be immediately directed to the Assistant Town Administrator. The Assistant Town Administrator will discuss the matter separately with the complainant and alleged harasser, in an attempt to mediate and resolve the matter.

STEP 2

If the matter cannot be resolved, the individual alleging sexual harassment will be informed.

1. That in order to pursue the complaint further, he or she must, with assistance if requested, detail the nature of the complaint, and
2. That there are external procedures, administrative and judicial (MCAD, EEOC and personal legal counsel) which are also available recourse.

If the complainant does not detail the allegations, the specific complaint cannot be further investigated by the Town of Walpole Officials unless circumstances clearly indicate otherwise. Upon receipt of the details of the complaint, the Town Administrator will be notified. The Town Administrator shall determine involvement of legal counsel.

STEP 3

Within five days after receiving the details of the complaint (if at all possible), the alleged harasser will meet with the Assistant Town Administrator and be informed of:

1. the charge being made,
2. Town policy regarding sexual harassment, and
3. the seriousness of the charge made.

The respondent will be provided with the details of the complaint and given the opportunity to refute the allegation by responding verbally or in writing, providing all specifics in support of rebuttal.

STEP 4

The Assistant Town Administrator shall investigate the allegations. This investigation can include, but is not limited to:

- interviews with respondent/complainant,
- interviews with supervisor,
- interviews with witnesses, and
- review of any documents on file

Upon the commencement of Step 2 of complaint, the Assistant Town Administrator will report findings of fact to the Town Administrator. In all cases, the thorough investigation and thoughtful consideration are paramount, however, timely resolution remains the objective. The Town Administrator will determine the Town of Walpole Sexual Harassment Policy (updated March 2017)

· action to be taken and it will be based on the facts on a case-by-case basis with whatever consultation the Town Administrator may require.

STEP 5

Upon receipt of the Town Administrator' determination, either party may appeal the decision in writing to the Board of Selectmen* or the Personnel Board* within 15 days. This appeal must outline the reasons why the individual feels the decision to be erroneous. The Board of Selectmen or the Personnel Board will determine the final outcome through review of the record or a meeting of all parties. However, any action directed by the Town Administrator shall be implemented upon his/her determination and such action will also be reviewed upon appeal.

Any retaliatory action taken by an employee against any other employee as a result of an individual's seeking redress under this procedure is prohibited and shall be regarded as a separate and distinct cause for complaint under this procedure, and as a basis for disciplinary action against the offending employee.

*Complainants whose positions are covered by Union Contracts shall appeal to the Board of Selectmen; complainants whose positions are not covered by collective bargaining agreements shall appeal to the Personnel Board.