

SEXUAL HARASSMENT POLICY

Introduction

It is the goal of the Town of Milton to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with or concerning their employment is unlawful and will not be tolerated by the Town of Milton.

Further, 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 similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Town of Milton takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment, and where it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goal of promoting a workplace that is free of sexual 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 definition of sexual harassment.

Definition of Sexual Harassment

In Massachusetts, the legal definition of sexual harassment is this:

"Sexual harassment" means sexual advances, requests for sexual 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 as a term or condition of employment or as a basis for employment decisions; or
- (b) such advances, requests or conduct 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. 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 any 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 pervasiveness:

- 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; comments on an individual's body, comments 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 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 of Milton.

Complaints of Sexual Harassment

If any employee believes he or she has been subjected to sexual harassment, the employee has the right to file a complaint with the Town of Milton. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting Human Resources Director Carla Fede (ext. 4848), or any department head (list attached). These people are also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

Sexual Harassment Investigation

When we receive a 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. 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.

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.

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 300 days; MCAD – 300 days).

The United States Equal Employment Opportunity Commission ("EEOC")

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(800) 669-4000
(617) 565-3200

The Massachusetts Commission Against Discrimination ("MCAD")

Boston Office:
One Ashburton Place – Room 601
Boston, MA 02108
(617) 994-6000

Worcester City Hall
455 Main Street, Room 100
Worcester, MA 01608
(508) 799-8010

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

800 Purchase St., Rm 501
New Bedford, MA 02740
(508) 990-2390

DEPARTMENT	DEPARTMENT HEAD NAME	TELEPHONE
Assessors	Charles O'Shea	898-4862
Building/Plumbing/Gas	Joeeph Atchue	898-4926
Cemetery	Lisa Ahern	898-4888
Accounting	Amy Dexter	898-4880
Clerk	Susan Galvin	898-4856
Council on Aging	Christine Stanton	898-4892
Fire	Christopher Madden	898-4904
Health	Caroline Kinsella	898-4885
Library	William Adamczyk	898-4949
Park	Kevin Chrisom/Paul Dimanno	898-4941
Personnel	Carla Fede	898-4848
Police	John King	898-4816
Public Works		898-4971
Retirement	Jeanne Darcy	770-5970
Selectboard	Nicholas Milano	898-4848
Treasurer/Collector	Johanna McCarthy	898-4850