



TOWN OF CHATHAM

Administrative Procedure
Distribution for Review:

First Reading: 4/26/2016
Town Manager Approval: 5/31/2016

ANTI-HARASSMENT AND DISCRIMINATION ADMINISTRATIVE PROCEDURE

I. Purpose:

It is the goal of the Town of Chatham to promote a workplace that is free of unlawful harassment, sexual harassment, and/or discrimination in any form. The Town will not tolerate unlawful harassment, sexual harassment, and/or discrimination of employees occurring in the workplace, or in other settings in which employees may find themselves in connection with their employment. Further, any retaliation against an individual who has complained about unlawful harassment, sexual harassment, and/or discrimination, or retaliation against individuals for cooperating with an investigation of an unlawful harassment, sexual harassment, and/or discrimination complaint is similarly unlawful and will not be tolerated.

Employees are protected from harassment and discrimination on the basis of their race, color, religion, national origin, ancestry, sex, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, gender identity, genetics, or active military or veteran status. Prohibited behavior includes slurs or other derogatory verbal or written comments, objects, pictures, cartoons, or demeaning gestures connected to one's membership in a protected group.

To achieve our goal of providing a workplace free from unlawful harassment, sexual harassment, and/or discrimination, the conduct that is described in this administrative procedure will not be tolerated. Because the Town of Chatham takes allegations of unlawful harassment, sexual harassment, and/or discrimination seriously, we will respond promptly to complaints of this type of conduct and where it is determined that 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 administrative procedure sets forth our goals of promoting a workplace that is free of unlawful harassment, sexual harassment, and/or discrimination, the administrative procedure 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 unlawful harassment, sexual harassment, and/or discrimination.

II. Definitions:

Sexual Harassment: Sexual Harassment is specifically defined in Massachusetts law and 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 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 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 work place 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 that may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- 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;
- Leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- 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 this organization.

Discrimination: Discrimination is any decision that is made or action taken that is motivated by a bias because of one's:

- Age
- Criminal Record
- Disability
- Gender
- Gender Identity/Expression
- Genetics
- Military Personnel status
- National Origin or Ancestry
- Race or Color
- Religion
- Retaliation
- Sexual Orientation

III. Complaints of Unlawful Harassment, Sexual Harassment, and/or Discrimination

It violates the administrative procedure of the Town of Chatham for any employee, male or female, to discriminate against and/or unlawfully harass another employee. Further, it is against the administrative procedure for an employee to discriminate against and/or unlawfully harass a non-employee and likewise for a non-employee to discriminate against and/or unlawfully harass an employee, provided the incident occurs in the workplace and within the jurisdiction of the Town.

The Town expressly prohibits any form of retaliatory action against an employee for filing a complaint of unlawful harassment and/or discrimination and for cooperating in an investigation of such a complaint.

If an employee believes that he or she is subject to unlawful harassment, sexual harassment, and/or discrimination of any type, he/she should report it immediately orally, or in writing to the Town Manager at:

Chatham Town Hall
549 Main Street
Chatham, MA 02633
(508)-945-5106 (Jill R. Goldsmith, Town Manager)

The Human Resources Director is also available to provide information about this administrative procedure on harassment, sexual harassment, and/or discrimination.

IV. Harassment, Sexual Harassment, and/or Discrimination Investigation

All complaints will be investigated promptly under the direction of the Office of the Town Manager. When the complaint is received 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.

All information disclosed in the investigation will be held in the strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter. Our investigation will include a private interview with the person filing the complaint and with any witnesses. We will also interview the person alleged to have committed unlawful harassment, sexual harassment, and/or discrimination. 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 impose disciplinary action up to and including separation from employment.

V. 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 up to and including separation from employment, and may include other forms of disciplinary action as we deem appropriate under the circumstances.

VI. State and Federal Remedies

In addition to the above, if you believe you have been subjected to any type of harassment and/or discrimination, you may file a formal complaint with either or both of the government agencies listed below. You do not have to file with either of these organizations in order to have your complaint investigated by the Town. Each of these agencies has a specified period for filing a claim (EEOC – 180 days extended to 300 days if the charge is also covered by a state or local anti-discrimination law; MCAD – 300 days).

1. The United States Equal Employment Opportunity Commission
1 Congress Street, 10TH Floor
Boston, MA 02114
(617) 565-3200
2. The Massachusetts Commission Against Discrimination
One Ashburton Place – Room 601
Boston, MA 02114
(617) 727-3990

**TOWN OF CHATHAM
ANTI-HARASSMENT AND/OR DISCRIMINATION
COMPLAINT FORM**

COMPLAINANT'S REPORT

Complainant's Name: _____

Complainant's Position/Department: _____

Alleged Offender's Name: _____

Alleged Offender's Position/Department: _____

Date and Time of Alleged Incident: _____

Nature of Alleged Incident: (Include a description of what happened, any relevant details to the incident, etc.)

Name and Position of Any Witnesses to Alleged Incident: _____

Is this the first time the alleged incident has been reported? (circle one) Yes No

If no, when and to whom was the alleged incident reported? _____

Please attach additional information if needed.

Complainant's Signature

Date

Received By, Title

Date

TOWN OF CHATHAM

**ANTI- HARASSMENT AND DISCRIMINATION ADMINISTRATIVE
PROCEDURE**

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT

I, _____, hereby acknowledge receipt of the
Anti-Harassment and Discrimination Administrative Procedure on the date set forth
below.

Employee's Signature

Witness

Date

Please keep the attached document for your files and return this sheet to the Human
Resources Department.

cc: Personnel File