

**SEXUAL HARASSMENT POLICY  
OF THE  
TOWN OF NORTH ATTLEBOROUGH  
(To be approved on an annual basis)**

**FOR CALENDAR YEAR: 2004**

**POLICY APPROVED BY THE BOARD OF SELECTMEN (12/4/03)**

**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. 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. Further, any 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 with which inappropriate conduct will be dealt, if encountered by employees.

Because the Town of North Attleborough takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual 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, 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 definition of sexual harassment.

**II. 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.

### **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**

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

Any department supervisor, who is informed by a subordinate of a sexual harassment claim, is required to notify either the Town Administrator or Human Resources Administrator in an expeditious manner.

If you would like to file a complaint, you may do so by contacting one of the following people:

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

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

The above individuals will be available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

#### **V. SEXUAL 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. 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)  
1 Congress Street – 10<sup>th</sup> Floor  
Boston, MA 02114  
(617) 565-3200
2. The Massachusetts Commission Against Discrimination (MCAD)  
Boston Office: One Ashburton Place, Room 601, Boston, MA 02108  
(617) 727-3990  
  
Springfield Office: 424 Dwight Street, Room 220, Springfield, MA  
01103  
(413) 739-2145