

CITY OF BROCKTON SEXUAL HARASSMENT POLICY

Introduction

It is the policy of the City of Brockton to promote and maintain a workplace that is free from harassment including **sexual harassment**. Sexual harassment in the workplace is unlawful. It constitutes unlawful sex discrimination in violation of Title VII of the Civil Rights Acts of 1964 and Massachusetts General Laws Chapter 151B, Section 1. It is against the law and a violation of City policy for any City employee to sexually harass another employee or a member of the public with whom the employee comes in contact on the job.

Any employee found to have engaged in sexual harassment in violation of this policy is subject to disciplinary action up to and including termination of employment.

The City of Brockton takes allegations of sexual harassment seriously. We will respond promptly to complaints of sexual harassment 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. The City has provided a procedure by which inappropriate conduct shall be addressed.

Furthermore, 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 unlawful.

Definition of Sexual Harassment

The legal definition of sexual harassment is broad. The alleged harassing conduct will depend upon the totality of the circumstances including the severity of the conduct and its pervasiveness. There are two different types of sexual harassment.

1) One type, which is often referred to as "**quid pro quo**" harassment, is set forth in Massachusetts General Laws Chapter 151B Section 1. It includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when

- submission or rejection of such advances, request or conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

- submission to or rejection of such conduct by an individual is used as a basis for employment decisions, including hiring, firing, promotions, compensation, etc. affecting that individual.

In other words it is sexual harassment if an employee is told or reasonably led to believe that engaging in sexual conduct will have a positive effect in his or her employment situation or that failure to engage in sexual conduct will have a negative effect on his or her employment status.

2) The other type of sexual harassment, also described in Massachusetts General Laws Chapter 151B Section 1, is "**hostile environment**" sexual harassment, which exists when

- The unwelcome sexual advances, requests or conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile, humiliating or sexually offensive working environment.

Among the things that can contribute to a hostile workplace or environment are

- Discussions of individuals employee sexual activities and/or interests
- Magazines, books, posters, etc., that display men or women in various stages of undress or in provocative poses
- Parties or celebrations that feature items or performances of a sexual nature
- Touching or commenting on any traditionally sexual part of a person's body
- Continuing to invite an individual to engage in social or sexual activities after being informed that the individual is not interested
- Continuing to refer to an individual using demeaning or inappropriate language after being asked to stop
- Continuing to touch an individual in a traditionally nonsexual area of the body after being informed that such conduct is not welcome
- Jokes or stories of a sexual nature

- Verbal abuse of a sexual nature; graphic verbal comments about an individuals body; sexually degrading words used to describe an individual

******Whether behavior creates a hostile environment will ultimately turn on the specific facts of the situation**

Sexual harassment can take many forms.

- A man or a woman may be the harasser
- The harassment may be between two individuals of the same sex
- The harasser does not necessarily have to be the victim's supervisor
- The victim does not necessarily have to be the one to whom the remarks or conduct are directed. The victim's ability to work may be adversely affected by an intimidating or hostile working environment created by the behavior between others
- The harasser or the victim may be a member of the public who comes into contact with City employees

All employees need to understand that it is essential to maintain professional, friendly and cooperative working relationships in the workplace.

Sexual remarks, advances, or unwelcome conduct interferes with maintaining those relationships. When such conduct appears to offer a "quid pro quo" or creates a "hostile work environment", such conduct is unlawful and will not be tolerated.

Sexual Harassment Complaint Process

Complaint Officers- the City of Brockton has designated the Director of Personnel, City Hall, Personnel Department, 45 School Street, Brockton, MA 02301, (508) 580-7820 and Mayor's Deputy Chief of Staff, City Hall, Mayors Office, 45 School Street, Brockton, MA 02301, (508) 580-7123 as the Complaint Officers. He/she is vested with the authority and responsibility of processing all harassment complaints in accordance with the procedure outlined below

Procedure

1) Any employee of the City who believes that he/she has been subjected to harassment, including sexual harassment, will report the incident to the complaint officer as soon as possible so that it may be addressed promptly.

2) The Complaint Officer will attempt to resolve the problem in a formal and expeditious manner through the following process:

a) The Complaint Officer will confer with the individual who feels he or she was subjected to harassment, the Complainant, to obtain a clear understanding of that individual's statement of facts.

- After meeting with the complainant, the complainant shall put the complaint of harassment in writing.

b) The Complaint Officer will then meet with the alleged harasser in order to obtain his or her response to the complaint.

c) The Complaint Officer may hold as many meetings with the parties as is necessary to obtain factual information.

d) The Complaint officer will also meet with witnesses or other individual's who may have pertinent information.

3) The investigation will be processed in an expeditious manner with a completion time goal of two weeks. Upon completion of the investigation, the complaint officer shall prepare a report outlining the findings and submit said report to the Mayor.

The Complaint officer, to the extent appropriate, will inform the person filing the complaint and the person alleged to have committed the conduct, of the results of the investigation.

If it is determined that inappropriate harassing conduct has been committed by one of the City's employees, the City will take such disciplinary actions as is appropriate under the circumstances.

The **disciplining action** may include an oral warning or reprimand, a written warning or reprimand to be placed in the personnel file, suspension, demotion, termination or a combination of the above.

The report of the investigation and all documentation shall be kept in the Complaint Officers confidential files.

4.) The Complaint Officer will prepare a written summary of the disciplinary action taken by the City. Both the Complainant and the alleged harasser shall receive a copy of the written summary.

If the complaint is substantiated, the summary shall be placed in the personnel file of the harasser.

Parties to the investigation maintain the right to grieve and or arbitrate the results of said investigation.

State and Federal Remedies

In addition to the above procedures, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both the government agencies set forth below.

Using our complaint process does not prohibit you from filing a complaint with these agencies.

*****Each agency has a short time period (statute of limitations) for filing a claim

*****EEOC - 300 Days

*****MCAD - 300 Days

EEOC-The United States Equal Employment
Opportunity Commission
1 Congress Street 10th Floor
Boston, MA 02114
(617) 565-3200

MCAD - The Massachusetts Commission against Discrimination
Boston Office
1 Ashburton Place, Room 601
Boston, MA 02108
(617) 994-6000

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