

**FREEDOM FROM UNLAWFUL HARASSMENT, DISCRIMINATION AND
SEXUAL HARASSMENT POLICY**

It is the goal of the Town of Granby to promote a workplace that is free of unlawful discrimination and harassment, including sexual harassment. Unlawful discrimination and harassment, including sexual harassment of employees, Town officials and members of the general public 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. Further, any retaliation against an individual who has complained about unlawful discrimination and harassment, including sexual harassment, or retaliation against individuals for cooperating with an investigation of unlawful discrimination and harassment, including sexual harassment, is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from such prohibited conduct, 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 Granby takes allegations of unlawful discrimination and harassment, including sexual harassment, seriously, we will respond promptly to complaints 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.

This policy covers all elected and appointed employees and officials, volunteers, other individuals who provide services to the Town, such as vendors, and visitors. The Town encourages everyone to address matters in compliance with existing Town and departmental policies governing employee conduct and, if resolution cannot be reached, to report incidents of harassment as defined in this policy, regardless of the offender's title or status.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment and other forms of prohibited harassment, the policy is not designed 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 or other prohibited harassment.

DEFINITION OF PROHIBITED HARASSMENT

Prohibited harassment is conduct based on race, gender, color, religion, age, national origin, ethnicity, disability, veteran or military status, sexual orientation (not including where the object of the orientation involves minor children), genetics, citizenship status, or any other legally protected status when:

- (1) submission to or rejection of the conduct is either an explicit or implicit term or condition of employment, or basis for participation in a Town activity or benefit; or
- (2) such conduct creates an intimidating, hostile or offensive work environment; or
- (3) such conduct otherwise adversely affects employment.

Examples of such prohibited conduct when based upon a legally protected status include, but are not limited to:

- Verbal abuse or hostile behavior such as insulting, teasing, mocking, degrading or ridiculing another person or group; or
- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes, epithets or demands; or
- Physical assault or stalking; or
- Displays or electronic transmission of derogatory, demeaning or hostile materials;

Definition of Sexual Harassment

In Massachusetts, the legal definition for 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, request 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, request 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 which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

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- 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; e-mail, screen savers or computer graphics
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquires 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 the Town of Granby.

Complaints of Sexual Harassment, Discrimination or Harassment Based on Membership in Another Protected Class

If any of our employees believes that he or she has been subjected to unlawful harassment or discrimination, including sexual harassment, the employee is encouraged to file a complaint with our organization. This may be done in writing or discussed orally.

If you would like to file a complaint you may do so by contacting Russell Anderson, Fire Chief 259 East State Street Granby MA 467-9697 or Ann Guenette Director of Senior Services 257 East State Street Granby MA 467-3759. These individuals are available to discuss any concerns you may have and to provide information to you about our policy on unlawful harassment and discrimination including unlawful harassment, including sexual harassment, and our complaint process.

Unlawful Harassment and Discrimination Including Sexual Harassment Investigation

When we receive the complaint of unlawful harassment or discrimination including sexual harassment, 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 up to and including termination.

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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 unlawful harassment or discrimination, including 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 - 300 days).

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

1. The Massachusetts Commission Against Discrimination (“MCAD”)

Boston Office One Ashburton Place Room 601 Boston, MA 02108 (617) 727-3990	Springfield Office 436 Dwight Street Room 220 Springfield, MA 01103 (413) 739-2145
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