



TOWN OF NEEDHAM

HARASSMENT OF INDIVIDUALS IN PROTECTED CLASSES:¹ POLICY AND PROCEDURES Policy#205

I. PURPOSE AND SCOPE

The purpose of this document is to outline the Town's policy and procedures on protected class harassment, and to ensure compliance with applicable federal laws, state statutes, and Town by-laws.

II. APPLICABILITY

This Policy applies to all employees of the TOWN OF NEEDHAM (the "Town"), excluding those employees under the supervision and control of the School Committee.

III. DEFINITIONS

Harassment. Harassment on the basis of a Protected Class (hereafter referred to as "harassment") is a form of behavior or conduct that adversely affects the employment relationship. It is against the policy of the Town for any individual to harass another individual on the basis of a Protected Class when:

- submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or a basis for employment decisions; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating a hostile, intimidating, humiliating, or offensive work environment.

Protected Classes. Protected classes include the following: race, color, religious creed, national origin, sex, ancestry, sexual orientation, as defined by law, or on the basis of age, as defined by law, disability, gender identity or expression, as defined by law, genetic information, veteran's status, military service or application for military service, or pregnancy (collectively, "Protected Classes").

¹ Sexual harassment is covered by a separate policy, which has been issued to all employees.

IV. POLICY

A. **Introduction.** The Town of Needham depends upon a work environment of tolerance and respect for the achievement of its goals. The Town is committed to maintaining a positive and congenial work environment free from harassment. The Town recognizes the right of all individuals to be treated with respect and dignity.

Harassment of individuals occurring in the workplace or in other settings in which individuals of the Town may find themselves in connection with their employment is unlawful under Federal and State law and will not be tolerated by the Town. The Town also condemns and prohibits harassment of any applicant, client, vendor or visitor.

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

Any individual of the Town is encouraged to see his/her immediate supervisor with suggestions, questions or problems relating to his/her job or work environment, or the individual can contact Human Resources. While the Town cannot promise that every problem will be resolved to the individual's satisfaction, the Town values each individual's input, and the individual should feel free to raise issues of concern.

B. **Equal Employment Opportunity.** The Town is an equal employment opportunity employer and does not discriminate in hiring or employment on the basis of any Protected Class, as defined above. If an individual believes he/she requires an accommodation in order to perform the essential functions of his/her job due to disability, please notify Human Resources.

C. **The Rule.** It is against the policy of the Town for any individual to harass another individual on the basis of a Protected Class. It is also against the policy of the Town for an individual to engage in any other form of unlawful harassment, inappropriate or unprofessional conduct in the workplace.

D. **Examples of Conduct That May Constitute Harassment.**

1. While it is not possible to list all of the circumstances that may constitute unlawful harassment, depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness, the following is a list of situations that could constitute unlawful harassment:

- verbal abuse, comments, jokes, teasing, threats or the use of words that degrade a person because of his/her Protected Class;
- obscene or suggestive gestures or sounds intended to relate to a person's Protected Class;
- posting or distributing letters, notes, objects, pictures, cartoons or other

materials that degrade a person because of his/her Protected Class;

- sending or posting offensive or discriminatory messages or materials related to an individual's Protected Class through the use of electronic communications (e.g., internal and external electronic mail, voicemail, facsimile, and Internet sites, including social media sites); and
- condoning harassment on the basis of a person's Protected Class.

2. Harassment can occur in a variety of circumstances. Here are some things to remember:

- The harasser does not have to be the victim's supervisor; and
- The victim does not have to be the person at whom the unwelcome harassment is directed. The victim may be someone who is affected by the harassing conduct, even when it is directed toward another person, if the conduct creates an intimidating, hostile, or offensive working environment for the victim or unreasonably interferes with the victim's work performance by creating a hostile, humiliating, or offensive work environment.

E. Individual Responsibilities. Each individual of the Town is personally responsible for:

- ensuring that his/her conduct does not harass any other individual with whom he/she comes in contact on the job, such as a subordinate, co-worker, client, visitor, applicant or outside vendor;
- cooperating in any investigation of alleged harassment by providing any information he/she possesses concerning the matter being investigated;
- actively participating in efforts to prevent and eliminate harassment and to maintain a work environment free from such harassment; and
- ensuring that an employee who files a good-faith harassment claim or cooperates in an investigation may do so without fear of retaliation or reprisal.

V. VIOLATION OF POLICY

Any individual violating this policy will be subject to appropriate discipline, including possible termination of employment.

VI. PROCEDURES FOR COMPLAINTS

A. Complaint. The Town has designated a Protected Class Harassment Grievance Officer. The current Protected Class Harassment Grievance Officer is the Human Resources Director, who can be reached at Town of Needham, 1471 Highland Avenue, Needham, MA 02492. The telephone number is (781) 455-7500, x276. If an individual would prefer, the

individual may contact the Assistant Human Resources Director, who has been designated as the current Alternate Protected Class Harassment Grievance Officer, and can be reached at Town of Needham, 1471 Highland Avenue, Needham, MA 02492. The telephone number of the Alternate Protected Class Harassment Grievance Office is (781) 455-7500, x295.

If any individual believes he or she has been subject to harassment on the basis of his/her Protected Class, the individual should initiate a complaint by contacting the Harassment Grievance Officer or the Alternate Harassment Grievance Officer as soon as possible. The individual should make the complaint promptly following any incident of alleged harassment. The individual should be aware that the longer the period of time between the event giving rise to the complaint and the complaint being made, the more difficult it will be for the Harassment Grievance Officer or his/her designee to investigate what occurred. The individual will be asked to write out his or her complaint to document the allegation.

If an employee prefers to discuss a possible harassment problem with his or her supervisor, or Human Resources, the employee may always do so, but employees do not have to go through the regular chain of supervision when reporting harassment and may instead go directly to the Harassment Grievance Officer or the Alternate Harassment Grievance Officer.

B. Investigation. Upon receiving the complaint, the Harassment Grievance Officer or the Alternate Harassment Grievance Officer, or his/her designee, will promptly undertake an investigation of the matter. The investigation will include interviews with the employee making the complaint, with witnesses, and with the person accused of harassment. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.

C. Decision. When the investigation is completed, the Town will, to the extent appropriate, inform the person who filed the complaint, as well as the person alleged to have committed the complained-of conduct, of the results of the investigation. If the investigation reveals that unlawful harassment or other inappropriate conduct did occur, the Town will act promptly to eliminate the offensive conduct.

D. Retaliation. Retaliation against an individual for making a good-faith complaint of harassment, or against any individual for cooperating in an investigation of a harassment complaint, is against the law. The Town will not tolerate any such retaliatory conduct. If any employee believes that he or she has been subjected to retaliation for having brought a complaint of harassment, or for having participated in an investigation of a complaint of harassment, that employee is encouraged to report the situation as soon as possible to the Harassment Grievance Officer or the Alternate Harassment Grievance Officer, or to the employee's supervisor, or Human Resources.

VII. STATE AND FEDERAL AGENCIES

The Massachusetts Commission Against Discrimination ("MCAD") is responsible for enforcing the state law prohibiting harassment on the basis of Protected Class. The MCAD can be reached at 484 Main Street, Suite 320, Worcester, MA 01608, (508) 799-8010, or at 436 Dwight Street, Suite 220, Springfield, MA 01103, (413) 739-2145, or at One Ashburton

Place, Boston, MA 02108, (617) 994-6000. The U.S. Equal Employment Opportunity Commission (“EEOC”) is responsible for enforcing the Federal law prohibiting harassment on the basis of Protected Class. The EEOC can be reached at John F. Kennedy Federal Building, Government Center, Room 475, Boston, MA 02203, (617) 565-3200. A complaint to the MCAD must be filed within 300 days. A complaint under the Federal law should be filed within 180 days, but under certain circumstances, a Federal complaint may be filed within 300 days

VIII. WORKPLACE CONDUCT

It is important to note that while this policy sets forth the Town’s goal of promoting a workplace that is free of harassment, the policy is not designed or intended to limit the Town’s 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.

IX. ACKNOWLEDGMENT OF RECEIPT OF POLICY

I acknowledge receipt of the *Harassment of Individuals in Protected Classes Policy and Procedures* (Rev. June 2018) from the Town of Needham, and I have read its contents.

Name (Print)

Signature

Date

Witness