

5-6. Sexual Harassment (January 2, 2018 – Revised March 4, 2024)

1. Purpose and Scope

The purpose of this document is to outline the Town's policy on sexual harassment, and to ensure compliance with applicable federal laws, state statutes, and town by-laws. Please note that while this policy sets forth the Town of Hanover's 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 or not that conduct satisfies the definition of sexual harassment.

2. Applicability

This policy applies to all employees of the Town of Hanover including those employees under the supervision and control of the School Committee.

3. Definitions and Examples

Sexual Harassment: That conduct which includes unwelcome sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual nature which may be considered sexual harassment when:

- submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 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 learning or working environment.

General examples of such behavior may include:

- Unwelcome sexual flirtations, advances, propositions, cornering or physical contact;
- Verbally abusive comments about a person's body;
- Graphic verbal comments about a person's body;
- Sexually degrading words used to describe a person;
- The display in the workplace of sexually suggestive objects, pictures, cartoons;
- Inquiries into one's sexual experiences;
- Discussions of one's sexual activities;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Gossip regarding an individual's sexual activities;

- Indecent exposure;
- Sexual emails; and
- Sexting, or sexual messages or images posted on any form of social media.

While it is not possible to list all circumstances that may constitute sexual harassment, the list above are examples of conduct which violates our policy and may also constitute sexual harassment under the law.

4. Policy

Sexual harassment is illegal, and therefore, the Town of Hanover will not tolerate sexual harassment in the workplace. The duty to prevent such harassment arises from MGL Chapter 151(B), and from Title VII of the U.S. Civil Right Act of 1964 which includes sexual harassment as a form of unlawful discrimination.

All employees should take special note that 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.

5. Procedures

A. Department heads and appointing authorities are responsible for the following:

- designating at least two employees to function as Sexual Harassment Officers;
- ensuring that all Sexual Harassment Officers receive training, and that they adopt and implement the Town of Hanover's procedures for receiving, investigating, and resolving allegations of sexual harassment;
- disseminating this policy to employees under their supervision;
- ensuring new employees receive a copy of the policy;
- informing employees that sexual harassment is prohibited conduct which will not be tolerated or condoned, and that disciplinary action will be taken against any person who engages in sexual harassment;
- advising employees of their right to complain to one of the Town's Sexual Harassment Complaint Hearing Officers, the Massachusetts Commission Against Discrimination (MCAD), and the U.S. Equal Employment Opportunity Commission (EEOC) (See Attachment A);
- informing employees that it is advisable to report conduct which the employee believes to be sexual harassment in a timely manner (The Massachusetts Commission Against Discrimination, under Employment Rights, defines timely manner to be within six (6) months or 300 days depending on the applicable period of the alleged discrimination.); and
- assisting all parties in the complaint resolution process.

B. Each employee is personally responsible for:

- ensuring that his/her conduct does not sexually harass any other employee, applicant for employment, or other individual in the workplace;
- cooperating in any investigation of a report or complaint of alleged sexual harassment; and
- cooperating with the Town's efforts to maintain learning or working environment free from such unlawful discrimination.

C. Sanctions

- Any employee found to have engaged in sexual harassment in violation of this policy will be subject to remedial and/or disciplinary action ranging from mandatory training and counseling, up to, and including termination from Town service.

6. Complaint Resolution Process

Any employee who believes that he/she has been discriminated against in violation of this policy should file a complaint in writing or orally to one of the Town's Sexual Harassment Complaint Hearing Officers. The addresses and telephone numbers of these people are listed on Attachment A. An employee who does not feel comfortable with bringing a complaint to one of the Sexual Harassment Complaint Hearing Officers is always free to bring such a complaint to the attention of his/her supervisor or any other supervisory/managerial employee of the Town who in turn will ensure that the complaint is processed appropriately. Regardless of whether the complaint is brought to a Hearing Officer or to the employee's supervisor, or any other managerial position of the Town, all complaints will be reviewed by a second, or possibly a third Hearing Officer to ensure that the complaint is processed appropriately.

All such complaints shall be kept as confidential as possible, subject to review by the Chief Executive Officers of the Town. At the discretion of the person(s) conducting the investigation, the Department Head(s) will be notified that an investigation is taking place. Documents pertaining to such complaint will not be included in the personnel file of the employee filing the complaint. It may not be possible to withhold the complainant's identity from the alleged harasser.

The Sexual Harassment Complaint Hearing Officer(s) shall keep a complete record of all complaints, their supporting documentation and their resolution in files separate from official personnel files.

Once a complaint is received, it shall be put in writing by either the complaining party, one of the Sexual Harassment Complaint Hearing Officers, or the supervisor to whom it was reported. That member, or other Sexual Harassment Complaint Hearing Officer, shall initiate a prompt investigation of the complaint of sexual harassment in a fair and expeditious manner. Such investigation may include interview(s) with the alleged harasser,

further interviews with the complainant, interviews with the employees, former employees or other individuals identified by either the complainant or the alleged harasser as possessing information about the matter, review of documentation and/or any other actions necessary to thoroughly investigate the complaint.

The investigation shall be completed as soon as possible given the circumstances. When the investigation is completed, the person(s) conducting the investigation shall draft a full report. The complainant's allegations of harassment, including a record of the date of the report and the date of occurrence(s) and outlining the following:

- the response of the alleged harasser to the complaint
- the details of the investigation, including all witness statements
- supporting documentation
- finding and recommended resolution

Possible findings include but are not limited to: a substantiated complaint, an unsubstantiated complaint, or a knowingly false claim.

The Complaint Hearing Officer(s) shall inform the complainant and the alleged harasser of their conclusions.

If the Sexual Harassment Complaint Hearing Officers determines that the allegations, or any part of the allegations, are credible, the Department Head shall be notified with any recommended disciplinary action (warning, reprimand, demotion, suspension, up to and including discharge). The Department Head and/or appointing authority shall take prompt disciplinary/remedial action designed to end the harassment and prevent future harassment. Imposition of discipline shall not preclude other courses of action in addition to the discipline; such other courses of action may include mandatory counseling, training and the like.

If the Hearing Officer(s)' finding is that no sexual harassment has occurred, then the file will be closed and not be a consideration in any other employment decisions relative to any of the parties involved.

An employee who is unwilling to make a complaint to the Town's Sexual Harassment Complaint Hearing Officers may file a complaint directly with the MCAD or EEOC. These agencies may investigate the situation and may or may not issue a complaint. The addresses and telephone numbers of these agencies are included on Attachment A.

7. Considerations

The Town's view of sexual harassment includes, but is not limited to, the following considerations:

- A man or a woman may be the victim of sexual harassment, and a man or a woman may be the harasser;

- The harasser does not have to be the victim's supervisor. She/He may be a supervisory employee who does not supervise the victim, a co-worker, or even a non-employee, such as a board member;
- The victim does not have to be of the opposite sex from the harasser;
- The victim does not have to be the person at whom the unwelcome sexual conduct is directed. She/He may also be someone who is affected by such conduct when it is directed toward another person. The sexual harassment of one employee may create an intimidating, hostile, or offensive learning or working environment for another employee, or may unreasonably interfere with the co-worker's performance.
- Sexual harassment does not depend on the victims having suffered a concrete economic injury as a result of the harasser's conduct. Improper sexual advances which do not result in the loss of a promotion by the victim, or the discharge of the victim, nonetheless constitute sexual harassment by unreasonably interfering with the victim's work or by creating a hostile or offensive work environment.

5-6. SEXUAL HARASSMENT POLICY (REVISED MARCH 4, 2024)

Please be advised if you refuse to acknowledge receipt of this policy by signing below, your refusal will be documented, and you are still obligated to follow and comply with this policy.

I acknowledge that I have received and read the Town's Policy. I understand my responsibilities concerning the goal of the Town of Hanover in promoting a workplace that is free of any form of sexual harassment. With your signature below, you represent that you have read this acknowledgement, that you have received a copy of the Town's Policy, and that you have read and understand this policy.

Employee Name (please print)

Employee Signature

____/____/____
Date

Employee _____ was unwilling to sign this document.
(print name of employee)

Department Head _____

____/____/____
Date

ATTACHMENT A

Sexual Harassment Complaint Hearing Officers - Appointed by the Town Manager

Joe Colangelo Town Manager <i>Town Hall</i> (781) 826-5000 ext. 1084	Ann Lee Assistant Town Manager/CDMI Director/ HR Director <i>Town Hall</i> (781) 826-5000 ext. 1059
Chelsea Stevens Finance Director/ Town Accountant <i>Town Hall</i> (781) 826-5000 ext. 1037	David Zemotel Police Lieutenant <i>Police Department</i> (781) 826-5000 ext. 2036
Gino DeAcetis Deputy Fire Chief <i>Fire Department</i> (781) 826-5000 ext. 3219	Fred Freeman Deputy Fire Chief/Deputy EMA Director <i>Fire Department</i> (781) 826-5000 ext. 3202
Kelly Lawrence Director, Office of Family & Community Engagement <i>Hanover Schools</i> (781) 826-5000 ext. 5015	Kaitlin Morelli Director of Student Services <i>Hanover Schools</i> 781-826-5000 ext. 5006

Massachusetts Commission Against Discrimination (MCAD)

Boston Office: One Ashburton Place, Room 601
Boston, MA. 02108
(617) 994-6000
TTY: (617) 994-6196

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

United States Equal Employment Opportunity Commission (EEOC)

Boston Office: John F. Kennedy Building
475 Government Center
Boston, MA 02203
(800) 669-4000
TTY: (800) 669-6820

In addition to the above, if an employee believes they have been subjected to sexual harassment, they may file a formal complaint with either or both of the government agencies listed above. Using the Town's complaint process does not prohibit an employee from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC – 300 days; MCAD – 300 days).

harass.policy.971

revised 11/02, 11/05, 11/07, 10/11, 08/14, 01/18, 03/24