



TOWN OF PLYMOUTH

POLICY: SEXUAL HARASSMENT POLICY

BOS/96/01/R01

Approved: November 1996

Effective: November 1996

1.0 PURPOSE

It is the goal of the Town of Plymouth to promote a workplace that is free of sexual harassment. Sexual harassment of employees 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 an individual who has complained about sexual harassment or 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 by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Town of Plymouth 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.

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 the definition of sexual harassment.

2.0 POLICY GUIDELINES

2.1 DEFINITION OF SEXUAL HARASSMENT

In Massachusetts, the legal definition for sexual harassment is this:

"sexual harassment" means sexual advances, requests for sexual

favours, 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 as a term or condition of employment, or as a basis for employment decision;

Or

B. 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 work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favours 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 pervasiveness:

- 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; 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 Plymouth.

2.2 COMPLAINTS OF SEXUAL HARASSMENT

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

1. An employee or applicant for employment who believes that he/she is the subject of sexual harassment should report the incident to his/her supervisor, or to any other supervisor. The complainant is encouraged to report incidents within one month, but failure to meet this time frame will not preclude investigation.
2. The supervisor shall obtain a written statement of the allegation from the complainant. If the employee does not put the complaint in writing, the supervisor shall do so. The statement shall be as detailed as possible as to the time, date, location and description of alleged harassment. This statement should be submitted to the Affirmative Action Officer/Human Resources Director, M. Patricia Flynn, within three (3) days of the day that the complaint is lodged with the supervisor, except in cases of a weekend or holiday. In cases of weekends or holidays, the complaints should be reported before the end of the next working day. The telephone number of the Affirmative Action Office/Human Resources Director is (508) 830-4100, and her address is Town Hall, 11 Lincoln Street, Plymouth, MA 02360.
3. In the event that the complainant does not feel comfortable reporting the sexual harassment to his/her supervisor, or if the supervisor is the alleged harasser, the complainant may report the alleged harassment to any supervisor or directly to the Affirmative Action Officer/Human Resources Director. In addition, should the complainant bring a complaint to the attention of a non-supervisor, i.e., member of the Board of Selectmen or a member of the community, that individual is encouraged to bring the complaint to the attention of the Affirmative Action Officer/Human

Resources Director who will process the complaint according to this policy/procedure.

4. The Affirmative Action Officer/Human Resources Director may delegate her responsibility to investigate a complaint to a responsible third party if in her opinion, the purposes of the policy would be better served by having such a third party conduct the investigation. The third party shall conduct the investigation and report back to the Affirmative Action Officer/Human Resources Director with recommended findings.
5. The Affirmative Action Officer/Human Resources Director shall bring both oral and written allegations to the attention of the alleged harasser and his/her supervisor as soon as the Affirmative Action Officer/Human Resources Director deems it appropriate. The alleged harasser shall have the opportunity to respond in writing to a complaint of sexual harassment. Such response will be kept as part of a complete record.
6. The Affirmative Action Officer/Human Resources Director shall take the following steps, as appropriate:
 - The Affirmative Action Officer/Human Resources Director will meet with other individuals who may have pertinent information.
 - The Affirmative Action Officer/Human Resources Director will review any pertinent documents.
 - The Affirmative Action Officer/Human Resources Director may hold as many meetings with the parties as is necessary to gather facts.
7. The allegations in the complaint will be promptly investigated 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. When the investigation is completed, the Affirmative Action Officer/Human Resources Director 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.

8. The employee's supervisor and the Affirmative Action Officer/Human Resources Director are available to discuss any concerns of the employee and to provide information about our policy on sexual harassment and our complaint process.

2.3 DISCIPLINARY ACTION

1. If the Affirmative Action Officer/Human Resources Director determines that the allegations are not credible, the matter shall be closed unless an appeal is filed within ten (10) workdays. The Affirmative Action Officer/Human Resources Director shall keep the documents, notes and other material from the investigation as a record for an appropriate period of time, at least three (3) years or for a period of three (3) years after the harasser has left employment with the Town. The purpose for retaining this record is to enable the Town to prove that it conducted an appropriate investigation and to review it if later allegations are made against the same employee.
2. If the Affirmative Action Officer/Human Resources Director determines that inappropriate conduct has been committed, she shall take immediate corrective action to eliminate the offending conduct, including disciplinary action where warranted (warning, reprimand, demotion, suspension, up to and including discharge). Imposition of discipline shall not preclude other courses of action in addition to the discipline; such other courses of action may include counseling, training and the like.
3. Resolution of complaints will be made by the Affirmative Action Officer/Human Resources Director and the appropriate department head. The Town Manager will be consulted, as necessary, concerning actions towards citizens or vendors found to have engaged in sexual harassment of employees.
4. The Town Manager will oversee the application of this sexual harassment policy and will hear and decide any appeals of dispositions brought by complainants. The decision of the Town Manager will be final within the Town but individuals retain any rights to pursue their complaints with agencies independent of the Town.

2.4 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 agencies set forth below. Using the Town's 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") 10 Congress Street - 10th 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

2.5 OTHER REMEDIES

If you feel you have been subjected to sexual harassment and would like to obtain counseling regarding the same, you may contact the agency listed below.

3. Counseling Agencies
EAP Network P.O. Box 2667
29 Broadway
Taunton, MA 02780 (508) 824-3663

3.0 APPLICABILITY

This policy is applicable to all town employees.

4.0 QUESTIONS

Please contact the Human Resource Director at (508) 830-4100 if you have any questions.

Approved By

BOARD OF SELECTMEN

2.9 Penalties

(A) In case of a licensee's violation of any condition of an alcoholic beverage license issued pursuant to Massachusetts General Laws, Chapter 138 or any regulation issued by the Town of Plymouth or pursuant to any alcoholic beverage statute, the Board of Selectmen, in their capacity as the local licensing authority, may hold a hearing pursuant to Chapter 138, section 64 in order to determine whether to modify, suspend or revoke the license, or take any other action allowed by applicable law or regulation. Without limiting the foregoing, the Board shall have the express power to reduce the closing hours of any licensee on a temporary or permanent basis. The Board's consideration and/or examination at such hearing may include, but not be limited to, the severity of the violation, the licensee's history, if any, of other violations, the licensee's fiscal condition and any insurance coverage relating to the business. The licensee shall, in a timely manner, supply the Board with all documentation reasonably requested in order to enable the Board to properly determine the fiscal condition of the licensee.

3.0 APPLICABILITY

This policy is applicable to every alcoholic beverage licensee in the Town of Plymouth.

Approved by the Board of Selectmen










