



TOWN OF MANSFIELD SEXUAL HARASSMENT POLICY

I. Introduction

It is the goal of the Town of Mansfield 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, 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 Mansfield 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 set forth our goals of promoting a workplace 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.

II. 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, requests 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, 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 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 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 severity of the conduct and its pervasiveness; Unwelcome sexual advances – whether they involve physical touching or not; Sexual epithets, jokes, written or oral reference 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 experience; 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 organization.

III. Complaints of Sexual Harassment

If any of our employees believes that he or she has been subject to sexual harassment, the employee has the right to file a complaint with our organization. This must be done in writing or orally. If you would like to file a complaint you may do so by contacting your department head or the Sexual Harassment Officer, Patricia Firing, HR Director



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located on the 3rd Floor, Town Hall, (508-851-6414). These persons are also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

IV. Sexual Harassment Investigation

When we receive the complaint 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 our investigation. If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where appropriate we will also impose disciplinary action.

V. Disciplinary Action

If it is determined that inappropriate conduct has been committed by one of our employees, we will take 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.

VI. 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 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 – 300 days; MCAD – 300 days).

Massachusetts Commission Against Discrimination
One Ashburton Place
Boston, MA 02108
(617) 994-6000
(617) 994-6196 (TTY)

Massachusetts Commission Against Discrimination
436 Dwight Street, Suite 220
Springfield, MA 01103
(413) 739-2145

Equal Employment Opportunity Commission
John F. Kennedy Building
475 Government Center
Boston, MA 02203
(617) 565-3200 or (800) 669-4000
(617) 565-3204 (TTY) or (800) 669-6820 (TTY)



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Town of Mansfield Sexual Harassment Complaint Resolution Process

Employee submits report of sexual harassment to Department Head.

Department Head provides report to Sexual Harassment Officer.

Employee submits report to sexual harassment to Sexual Harassment Officer.

Sexual Harassment Officer interviews employee.

Sexual Harassment Officer interviews alleged harasser.

Sexual Harassment Officer interview witnesses and others and obtains written statements.

Probable Outcomes

1. Sexual harassment did not occur. Full report to Officer's file only.
2. Sexual harassment did occur. Full report to Town Manager.
 - a. Town Manager determines disciplinary action.
 - b. Summary report filed in harasser's personnel file. Copy to employee.
 - c. Full report filed in Officer's file: disciplinary action taken.
3. Insufficient evidence. Full report to Personnel File.
4. The accusation was false. Full report to Town Manager.
 - a. Town Manager determines disciplinary action.
 - b. Summary report filed in accuser's personnel file. Copy to alleged harasser.
 - c. Full report filed in Officer's file: disciplinary action taken.