

## Town of Westwood Anti-Harassment Policy

Harassment Prohibited: It is the goal of the Town of Westwood (the "Town") to promote a workplace that is free of unlawful harassment based on gender, sexual orientation, race, color, religious creed, national origin, ancestry, age, genetics, veteran's status, and disability ("Harassment"). The Town prohibits such Harassment, whether at the office, in outside work assignments or at Town-sponsored social or non-social functions, events or programs. Should such Harassment occur, the Town will take appropriate corrective action to prevent its continuation or recurrence. In addition, the Town will endeavor to prevent the Harassment of its employees by persons who are not Town of Westwood employees, but who are on the Town's premises or who have a business or other relationship with the Town. Harassment is unlawful, and any individual found to have engaged in Harassment will be subject to disciplinary action, up to and including termination of employment.

Retaliation Prohibited: The Town will not permit retaliation of any kind against anyone who in good faith complains about Harassment or cooperates in an investigation of a Harassment complaint. Such retaliation is unlawful, and any individual found to have engaged in retaliation will be subject to disciplinary action, up to and including termination of employment.

### Definitions

"Harassment" includes communicating, sharing or displaying written or visual material or making verbal comments that are demeaning or derogatory to a person because of his or her gender, sexual orientation, race, color, religious creed, national origin, ancestry, age, genetics, membership in the military, veteran's status or disability, including material or comments intended as humor. The use of Town facilities to disseminate, duplicate or display such materials is prohibited.

"Sexual harassment" includes making unwelcome sexual advances, requesting sexual favors or engaging in verbal or physical conduct of a sexual nature which is made a term or condition of employment, or which is used as the basis for employment decisions. "Sexual harassment" also includes any type of sexually-oriented conduct, including conduct intended to be friendly or humorous, that is unwelcome and has the purpose or effect of unreasonably interfering with an employee's work performance or creating a work environment that is intimidating, hostile, offensive or coercive to a reasonable person.

The following is a partial list of conduct which could be considered sexual harassment:

- Threats or insinuations, either explicitly or implicitly, that an individual's refusal to submit to sexual advances or sexual conduct will adversely affect his or her employment, evaluation, wages, advancement, assigned duties, benefits or any other aspect of employment or career advancement;
- Unwelcome sexual advances, jokes, language, epithets, or propositions;
- Written or oral abuse of a sexual nature or use of sexually degrading or sexually vulgar words to describe an individual;
- Display of sexually suggestive objects, pictures, posters or cartoons;
- Unwelcome comments about an individual's body, sexual prowess or sexual deficiencies;
- Asking questions about sexual conduct;

- Favoring any applicant or employee because that person has performed or shown a willingness to perform sexual favors for a supervisor;
- Unwelcome touching, leering, whistling, brushing against the body, or suggestive, insulting or obscene comments or gestures; and
- Assault or coerced sexual acts.

### Responsibilities

Responsibility of Supervisors: Each Town of Westwood employee with individuals under his or her supervision has a duty to maintain a workplace free of Harassment, to assure that each individual under his or her supervision is aware of the Town's policy on Harassment and the policy's Harassment Resolution Procedure, and to assure such individuals that they need not endure insulting, degrading or exploitative treatment based on gender, sexual orientation, race, color, religious creed, national origin, ancestry, age, genetics, veteran's status, or disability. Any supervisor who learns of or suspects violations of this policy must promptly bring the matter to the attention of the Town Administrator or the Human Resources Director.

Responsibility of Individual Employees: The line between acceptable social conduct and Harassment is not always clear. For that reason, the Town encourages individuals who believe they are being or may have been harassed to communicate clearly to the offending party that the conduct is offensive, intimidating or embarrassing, to explain how the offensive behavior affects the employee's work and to ask that the conduct stop. If the individual is uncomfortable with making such a direct approach to the offending party or has done so, but the perceived harassment has not stopped, then the individual should use the procedure described below to obtain a constructive resolution of the problem.

### Harassment Resolution Procedure

An employee who believes he or she may have been harassed in a manner prohibited by this policy is urged to utilize this procedure as soon as possible after a perceived act of Harassment occurs. Prompt reporting allows the Town to investigate while the facts are still fresh and to take prompt corrective action, when appropriate. The Town will handle the matter with as much confidentiality as possible under the circumstances, recognizing that there are many circumstances where complete confidentiality is not possible. Upon receipt of a complaint, the Town will promptly undertake an investigation and, when appropriate, corrective action. The following procedures will generally be followed in the case of a complaint:

Making a Complaint: An individual who believes that he or she has been the subject of Harassment should bring his or her complaint to the attention of his or her direct supervisor. In the event the employee has contacted his or her supervisor and believes the response has not been adequate or any perceived harassment has continued, the employee should immediately contact the Town Administrator or the Human Resources Director. Additionally, in situations where the direct supervisor is involved or related in any way to the allegations of harassment, the employee should immediately contact the Town Administrator or the Human Resources Director, directly.

Duties of Supervisors and Managers: A supervisor or manager who receives a complaint must immediately notify the Town Administrator or the Human Resources Director, who will determine if an investigation is warranted and, if so, will conduct a prompt investigation or designate one or more fact finders to do so.

Investigation: The fact finder's investigation may include the following steps: meeting with the complaining individual to discover the details of the complaint; asking the individual for a written statement indicating the identity of the alleged offending party and the date, location and nature of the alleged Harassment; and meeting with the alleged offending party to inform him or her of the contents of the complaint and provide him or her with an opportunity to respond. Further, if there is a significant dispute of fact, the fact finder may give each party an opportunity to identify persons who can support or corroborate his or her version of the facts, and may contact those individuals and/or other individuals whom the fact finder believes may have additional information regarding the issues raised in the complaint.

Resolution: Based upon the information gathered in the investigation, the fact finder will determine whether the Town of Westwood's policy was violated and, if appropriate, will recommend corrective action to the Town Administrator. If it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the offending conduct, and where it is appropriate the Town will also impose disciplinary action. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as the Town deems appropriate under the circumstances. When the investigation is completed, the Town 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.

State and Federal Remedies: In addition to the above, if an employee believes that he or she has been subjected to sexual harassment, the employee may file a formal complaint with either or both of the government 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 - 300 days; MCAD - 300 days).

Responsible Agencies

U.S. Equal Employment Opportunity  
Commission  
One Congress Street, 10th Floor, Room 1001  
Boston, MA 02114  
(617) 565-3200

Massachusetts Commission Against  
Discrimination  
One Ashburton Place -or- 424 Dwight St.  
Room 220  
Boston, MA 02108                      Springfield, MA  
01103  
(617) 994-6000                      (413) 739-2145