



I. Introduction

It is the goal of the Town of Wellesley to promote a workplace that is free of unlawful harassment. Harassment of employees because of their race, color, gender, age, disability/handicap, religious creed, national origin, ancestry, sexual orientation, genetic information, gender identity/expression, veteran's status, military status, pregnancy and any other legally protected category under state or federal law 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. Further, any retaliation against an individual who has complained about such harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from unlawful 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 Wellesley takes allegations of unlawful harassment seriously, we will respond promptly to complaints of 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 unlawful harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for conduct that we deem unacceptable, regardless of whether that conduct satisfies the definition of unlawful harassment.

II. Definition of Sexual Harassment

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 review, 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's 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;

- 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 suggesting objects, pictures, cartoons;
- Leering, whistling, brushing against the body, sexual gestures, suggesting or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.
- The dissemination of sexually explicit voice mail, e-mail, graphics, downloaded material or websites in the workplace.

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.

III. Complaints of Unlawful Harassment

If any of our employees believes that he or she has been subjected to unlawful harassment, the employee has the right to file a complaint with our organization. This may 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 Human Resources Director, Town Hall, 525 Washington Street, Wellesley, MA (781-431-1019, x2244) or Town Counsel, C/O Board of Selectmen, 525 Washington Street, Wellesley, MA 02482 (781-431-1019, x2219). These persons are also available to discuss any concerns you may have and to provide information to you about our policy on unlawful harassment and our complaint process.

IV. Harassment Investigation

When we receive a complaint of unlawful harassment, 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 consistent with the law with a fair and full investigation and as practicable under the circumstances. Our investigation will usually include private interviews with the person filing the complaint and with any witnesses. We will also interview the person alleged to have committed the harassment. All employees are expected to cooperate in any investigation that takes place. 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 that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate, we will also impose disciplinary action and take remedial action. We will also take appropriate action if a non-employee engages in conduct that violates this policy.

V. Disciplinary Action

If it is determined that inappropriate conduct has taken place by one of our employees, we will take such 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 unlawful 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 300-day period for filing a claim.

1. The United States Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02114
617-565-3196

2. The Massachusetts Commission Against Discrimination (MCAD)

Boston Office: 1 Ashburton Place, Rm. 601 Boston, MA 02108 (617) 994-6000	Springfield Office: 424 Dwight Street, Rm. 220 Springfield, MA 01103 (413) 739-2145
--	--