

TOWN OF SPENCER  
MASSACHUSETTS  
BOARD OF SELECTMEN

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**TOWN OF SPENCER  
SEXUAL HARASSMENT POLICY**

**1. INTRODUCTION**

It is the goal of the Town of Spencer 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 the Town of Spencer. 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.

**2. APPLICABILITY**

This policy applies to all employees, volunteers, and elected officials of the Town of Spencer while performing duties for the Town of Spencer.

**3. DEFINITIONS**

Sexual Harassment -- That conduct, including unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, which may constitute sexual harassment when:

- a. submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment;
- b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Hostile Work Environment -- pervasive and sexually hostile working conditions which unreasonably interfere with an employee's ability to do his or her job.

Quid Pro Quo ("something for something") -- situation in which tangible job benefits are granted or withheld in exchange for sexual favors.

#### **4. POLICY**

The Town of Spencer will not tolerate sexual harassment in the workplace. The duty to prevent such harassment arises from M.G.L. Chapter 151(B), and from Title VII of the U.S. Civil Rights Act of 1964 which includes sexual harassment as a form of unlawful discrimination. Retaliation against an employee who files a sexual harassment complaint, or who cooperates in an investigation of a sexual harassment complaint, is against the law and will not be tolerated by the Town of Spencer.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which is 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;
- Inquires into one's sexual experience; and,
- Discussion of one's sexual activities.
- Communication via the internet including inappropriate language 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.

#### **5. PROCEDURES**

##### **A. Supervisor Responsibilities**

Department managers and appointing authorities are responsible for the following:

1. Acknowledging awareness of and adhering to this policy while employees are under their supervision;
2. 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;
3. Advising employees of their right to complain to the Town's Sexual Harassment Officer Designee, the Massachusetts Commission Against Discrimination (MCAD), and/or the U.S. Equal Employment Opportunity Commission (EEOC)
4. Informing employees that it is advisable to report conduct which the employee believes to be sexual harassment in a timely manner; and
5. Assisting the employee in the complaint resolution process.

## **B. Employee Responsibilities**

Each employee is personally responsible for:

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

## **C. Sanctions**

Any employee found to have engaged in, or condoned, sexual harassment in violation of this policy will be subject to corrective and/or disciplinary action up to and including termination from Town service.

## **6. COMPLAINT RESOLUTION PROCESS**

- a. Any employee who believes that he/she has been discriminated against in violation of this policy should file a complaint using the attached complaint form with the Sexual Harassment Officer Designee. There is a window of 300 days to file a complaint
- b. All such complaints shall be kept confidential to every possible degree. Documents pertaining to such complaint will not be included in the personnel file of the employee filing the complaint.
- c. If the Sexual Harassment Officer Designee is unable to resolve the situation to the employee's satisfaction or the complaint is about the Sexual Harassment Officer Designee, he/she will direct the employee to Town Counsel or the MCAD or EEOC.
- d. An employee who is unwilling to make a complaint to the Town's Sexual Harassment Officer Designee or Town Counsel may file a complaint directly with the MCAD or EEOC. These agencies may investigate the situation and may or may not issue a complaint.

## **7. CONSIDERATIONS**

Sexual harassment is not, by definition, limited to prohibited conduct by a male employee toward a female employee, or by a supervisory employee to a subordinate employee. The Town's view of sexual harassment includes, but is not limited to, the following considerations:

- a. A man as well as a woman may be the victim of sexual harassment, and a woman may be the harasser.
- b. The harasser does not have to be the victim's supervisor. (S)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, member of the public, or a Town vendor.
- c. The victim does not have to be of the opposite sex from the harasser.
- d. The victim does not have to be the person at whom the unwelcome sexual conduct is directed. (S)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 working environment for another employee, or may unreasonably interfere with the co-worker's performance.  
e. Sexual harassment does not depend on the victim's 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.

**Sexual Harassment Office Designee**

Adam Gaudette  
Town Administrator  
Town Hall  
(508) 885.7500 ext. 132

Bernadine Wachewski  
Human Resource & Benefits Coordinator  
Town Hall  
(508) 885-7500 ext. 130

**Town Counsel**

Stanley Weinberg  
Collins & Weinberg  
47 Memorial Dr.  
Shrewsbury, MA 01545-4028  
(508) 842-1556

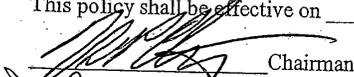
**Massachusetts Commission Against Discrimination**

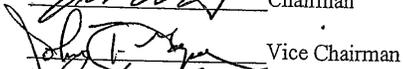
(MCAD)  
One Ashburton Place  
Boston, MA 02108  
617-727-3900

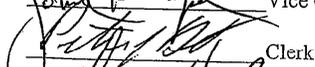
**United States Equal Employment Opportunity Commission**

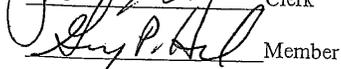
(EEOC) Boston Office  
One Congress Street 10th Floor  
Boston, MA 02114  
617-565-3200

This policy shall be effective on \_\_\_\_\_, 2007.

  
Chairman

  
Vice Chairman

  
Clerk

  
Member

\_\_\_\_\_  
Member  
Board of Selectmen