CARVER FIRE DEPARTMENT

Standard Operating Guidelines

Section 1.07 – Discriminatory Harassment **June 15, 2013**

1.0 PURPOSE

The purpose of this guideline is to establish policy for Discriminatory Harassment in the workplace. This guideline is a duplicate to the Town Of Carver Discriminatory Harassment Policy.

1.1 SCOPE

This policy covers all members of the Carver Fire Department.

1.2 INTRODUCTION

It is the goal of the Town of Carver to promote a workplace that is free of discriminatory harassment ("harassment") of any type, including sexual harassment. Discriminatory harassment consists of unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law, such as sex, race, color, national origin, religion, age, disability, or sexual orientation. The Town of Carver will not tolerate harassing conduct that affects employment conditions, that interferes unreasonably with an individual's performance, or that creates an intimidating, hostile, or offensive work environment.

Harassment of employees occurring in the workplace, in connection with work-related travel, and/or work-sponsored events will not be tolerated. Further, any retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated.

Because the Town of Carver takes allegations of harassment seriously, we will respond promptly to complaints of harassment. Where it is determined that 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 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 harassment.

1.3 DEFINITIONS

"Harassment" means unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law. Harassment includes, but is not limited to:

01. Display or circulation of written materials or pictures that are degrading to a person or group as previously described.

02. Verbal abuse, slurs, derogatory comments, or insults about, directed at, or made in the presence of an individual or group as previously described.

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

01. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

02. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

03. 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.

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 definition of sexual harassment is broad. In addition to the above examples, other unwelcome sexually oriented conduct, whether intended or not, that has the effect of creating a work environment that is hostile, offensive, intimidating or humiliating to either 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:

01. Unwelcome sexual advances – whether they involve physical touching or not;

02. 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;

03. Displaying sexually suggestive objects, pictures, cartoons;

04. Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;

05. Inquiries into one's sexual experiences; and,

06. 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 this organization.

1.4 COMPLAINT PROCEDURES

All employees, managers, supervisors, elected and appointed officials and volunteers of the Town of Carver share responsibility for avoiding, discouraging and reporting any form of discriminatory harassment. The primary responsibility for ensuring proper investigation and resolution of harassment complaints rests with the Town Administrator or his/her designee, who will administer the policy and procedures described herein.

If any of our employees/volunteer believe that he or she has been subjected to discriminatory harassment, the employee/volunteer has the right to file a complaint with our organization. This may be done in writing or orally. In addition, residents, visitors, applicants, vendors, contractors, their agents and employees, or other third parties who believe they have been subjected to discriminatory harassment may also file a complaint with our organization using the procedures described herein. Furthermore, employees or volunteers may also file a complaint if they have been subjected to harassment from residents, visitors, applicants, vendors, contractors, their agents and employees, or any other third parties in the workplace, while performing work-related duties, or during other work-related activities.

Prompt reporting of harassment is in the best interest of our organization and is essential to a fair, timely, and thorough investigation. Accordingly, complaints should be filed as soon as possible following the incident(s) at issue. If you would like to file a complaint you may do so by contacting Town Administrator Richard J. LaFond at the Carver Town Hall, 108 Main Street, Carver, MA. Mr. LaFond may also be reached by phone at 508-866-3401. Mr. LaFond is also available to discuss any concerns you may have and to provide information to you about our policy on harassment and our complaint process.

1.5 COMPLAINT INVESTIGATION

When we receive the complaint, we will promptly investigate the allegation in a fair and expeditious manner to determine whether there has been a violation of our policy. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include private interviews with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed harassment. The complainant, the person alleged to have committed harassment, and all witnesses are required to fully cooperate with all aspects of an investigation. Attorneys are not permitted to be present or participate in the complaint investigation. 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.

Notwithstanding any provision of this policy, we reserve the right to investigate and take action on our own initiative in response to behavior and conduct which may constitute harassment or otherwise be inappropriate, regardless of whether an actual complaint has been filed.

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.

1.6 DISCIPLINARY ACTION

If it is determined that inappropriate conduct has been committed 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.

1.7 STATE AND FEDERAL REMEDIES

In addition to the above, if you believe you have been subjected to discriminatory harassment of any type, including 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 requires that claims be filed within 300 days from the alleged incident of when the complainant became aware of the incident.

The United States Equal Employment Opportunity Commission ("EEOC")
One Congress Street, 10th Floor
Boston, MA 02114,
(617) 565-3200

<u>The Massachusetts Commission Against Discrimination ("MCAD")</u>

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

Worcester Office:
22 Front Street, 5th Floor
P.O. Box 8038
Worcester, MA 01641
(508) 799-6379