



TOWN OF NORWOOD PERSONNEL BOARD

#P-202 – POLICY AGAINST HARASSMENT

1. Purpose and Scope

- 1.1 The Town of Norwood is proud of its tradition of a friendly and collegial work environment in which all individuals are treated with respect and dignity. It is the goal of the Town of Norwood to promote a workplace that is free of any form of harassment based upon a person's Protected Status. Each individual has the right to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices, including harassment on the basis of race, color, sex, age, religion, national origin, ancestry, ethnicity, sexual orientation, gender identity, disability or handicap, veteran status, genetic information, membership in or application for uniformed military service or any other classification protected by law. Such harassment, whether verbal, physical or in any other form, is unlawful and will not be tolerated.
- 1.2 The purpose of this policy is to outline the terms under which the Town commits to these principles and implements compliance with state and federal laws governing harassment. Please see also the Town's policy regarding Equal Employment Opportunity, Workplace Violence Prevention, and Professional Conduct at www.norwoodma.gov, click Committee/Boards, click Personnel Board, and click Town Personnel Policies.

2. Applicability

- 2.1 This policy applies to all full and part-time compensated positions, excluding elected officials and employees of the School Department. Positions covered by Civil Service Law or a collective bargaining agreement are subject only to those portions of the policy which are not separately regulated by Civil Service Law or by a collective bargaining agreement.
- 2.2 To the extent permitted by law, individual employment agreements (new, updated or extensions) entered into after the effective date of this policy, with employees whose positions are subject to this policy, must follow all of the provisions of this policy.
- 2.3 This policy is intended to be consistent with any and all applicable laws. If any part of this policy is inconsistent with the law, that part of the policy shall be considered invalid, and the remaining provisions of the policy shall be construed so as to be consistent with the law.

3. Definitions

- 3.1 Please consult the Personnel Definitions Document (#D-100) regarding Appointing Authority, Regular Full-time Employee, Regular Part-time Employee, Intermittent Employee, Seasonal Employee, Intern, Volunteer, Temporary Employee and any other applicable terms utilized in this document.

- 3.2 Sexual Harassment – “sexual harassment” means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:
 - 3.2.a Submission to or rejection of this conduct by an individual is made, explicitly or implicitly, a term or condition of an individual’s employment, or is used as a factor in decisions affecting hiring, evaluation, promotion or other aspects of employment;
 - 3.2.b Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual’s performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment; or, otherwise adversely affects an individual’s employment opportunity;
- 3.3 The definition of harassment prohibited by this policy is broad. It may include any conduct that degrades or shows hostility or aversion toward an individual because of his or her Protected Status, or that of his or her relatives, friends, or associates, and that (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual’s work performance; or (3) otherwise adversely affects an individual’s employment opportunity;
- 3.4 In this policy, gender, race, color, age, national origin, religion, ethnicity, ancestry, disability or handicap, sexual orientation, gender identity, veteran status, military status, genetic information, or any other legally protected status are referred to collectively as a person’s “Protected Status”.
- 3.5 This behavior, as well as the behavior described in the preceding section, is unlawful and unacceptable in the workplace and in other work-related settings, such as business trips and business-related social events.

4. Eligibility

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5. Policy

- 5.1 The Town of Norwood will not tolerate, condone, or allow sexual harassment or harassment on the basis of any of the Protected Statuses mentioned above, whether engaged in by fellow employees, supervisors, customers, vendors or by other non-employees who conduct business with the Town of Norwood. The Town of Norwood requires the reporting of all incidents of sexual harassment or any other form of harassment prohibited under this policy, regardless of who the offender may be.
- 5.2 Forms of harassment may include, but are not limited to, the following:
 - 5.2.a **Verbal Harassment;** e.g., suggestive, insulting or derogatory comments, epithets, innuendoes, sounds, jokes, teasing or slurs based on any of the above categories, and sexual propositions or threats.
 - 5.2.b **Physical Harassment;** e.g., assault, impeding or blocking movement, or any unwanted physical contact or interference with normal work or movement, including touching, pinching, brushing the body, sexual contact or assault when directed at an individual because of any of the above categories.

- 5.2.c ***Nonverbal Harassment***; e.g., derogatory posters, cartoons, suggestive objects, pictures, letters or drawings; also such actions as leering, whistling, or obscene gestures based on any of the above categories.
- 5.2.d Unwanted sexual advances.
- 5.3 The Town of Norwood will not in any way retaliate or tolerate any retaliation against an individual who makes a report of harassment prohibited by this policy or cooperates in an investigation of a complaint regarding such harassment. Retaliation is unlawful, and is a serious violation of this policy and should be reported immediately. Any person found to have retaliated against another individual for reporting or cooperating in the investigation of an incident of harassment will be subject to disciplinary action, up to and including termination.
- 5.4 Department Heads are required to act consistent with this policy and ensure this policy is implemented consistently within their department.
- 5.4 In the event of an error or violation of this policy, either intentional or unintentional, Human Resources must be immediately informed. Human Resources will identify and make the proper correction(s). A violation of this policy, whether intentional or unintentional, will not change this policy, nor set a precedent in any future application of this policy.

6. Provisions

- 6.1 Complaints and Investigations
 - 6.1.a Complaints may be reported verbally or in writing.
 - 6.1.b If any employee or applicant believes that he or she has been subjected to harassment, the individual has the right to bring a complaint. The employee or applicant should report a harassment complaint to their Department Head, the Human Resources Director, or his/her-designee, as soon as possible. The Human Resources Department is located on the 3rd floor of Town Hall, at 566 Washington Street, and may be reached by calling (781) 762-1240.
 - 6.1.c Any person, who learns of a violation of this policy against another person, is asked to immediately report the misconduct to a Department Head, the Human Resources Director, or his/her designee.
 - 6.1.d If a Department Head receives such a complaint, he/she shall report the received complaint to the Human Resources Director or his/her designee, immediately.
 - 6.1.e Upon receipt of a complaint, the Human Resources Director or his/her designee shall initiate an investigation.
 - 6.1.f The Human Resources Director or his/her designee is also available to discuss any concerns you may have, and to provide information to you about our Equal Employment Opportunity policy and our complaint process. Alternatively, employees may contact their Department Head.
 - 6.1.f.i If the complaint is against the Human Resources Director then the complaint should be filed with the Town Manager.

6.1.f.ii If the complaint is against the Town Manager then the complaint should be filed with the Chairperson of the Board of Selectmen. The Board of Selectmen Chairperson shall work with the Personnel Board Chairperson and Town Counsel to investigate and resolve.

6.1.g Investigation of Complaint

When the Town receives a complaint the responsible individual shall promptly investigate the allegation in a fair and expeditious manner. The investigations shall be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The Town's investigation will generally include a private interview with the person filing the complaint and with witnesses. The Town will also likely interview the person alleged to have committed harassment. When the Town has completed its investigation, the responsible individual 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.

6.1.h Remedial Action by the Town

If it is determined that inappropriate action occurred the Town shall take action promptly to eliminate the offending conduct, regardless of whether or not it rises to the level of unlawful discrimination. The action to be taken may include recommendations regarding disciplinary and/or other remedial action up to and including termination, which shall be forwarded to the appropriate Appointing Authority.

6.2 **Questions Regarding this Policy**

Please contact Human Resources regarding questions about this policy. Please also consult the Personnel Definitions Document [#D-100] regarding other commonly used words and/or phrases not defined in this policy.

7. Applicable Laws / Statutes

7.1 Among the laws that prohibit sexual harassment and/or any form of harassment based upon a person's Protected Status, are the following:

- Massachusetts General Laws Chapter 151B
- Title VII of the Civil Rights Act of 1964 (Title VII), which is a Federal law that prohibits employment discrimination based on race, color, religion, sex, or national origin;
- Age Discrimination and Employment Act of 1967 (ADEA)
- Title I and Title V of the Americans With Disabilities Act of 1990 (ADA)
- Civil Rights Act of 1991

7.2 External Agencies

Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of these agencies has a time period of 300 days for filing a claim.

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

7.2.b The Massachusetts Commission Against Discrimination (MCAD):

- Boston Office: One Ashburton Place, Room 601
Boston, MA 02108 617-994-6000
- Worcester Office: Worcester City Hall, 455 Main Street, Room 100
Worcester, MA 01608 508-799-8010
- Springfield Office: 424 Dwight Street, Room 202
Springfield, MA 01103 413-739-2145

The following document associated with and attached to this policy may change to meet the needs of the Town or new requirements of law. The HR Director may make the necessary document changes without changing the intent or content of this policy. Please consult the Human Resources Department for the most current version:

#D-114 – Policy Against Harassment Acknowledgement Form

PERSONNEL BOARD

For the Personnel Board: David E. Hajjar 10 / 15 / 14
David E. Hajjar, chairman
Anne Haley, vice-chair
Willard Krasnow
Patterson Riley
John E. Taylor

