

**TOWN OF HOLLISTON  
PERSONNEL ADMINISTRATIVE ORDER NUMBER 20  
SEXUAL HARASSMENT**

1. **PURPOSE:** To outline the Town's policy on sexual harassment and to ensure compliance with applicable federal and state laws and Town by-laws.
2. **APPLICATION:** This Order applies to all employees of the Town excluding those employees under the supervision and control of the School Committee.
3. **DEFINITION:** sexual harassment - that conduct which includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature which may be considered sexual harassment when submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 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.
4. **POLICY:** the Town of Holliston will not tolerate sexual harassment in the workplace. The duty to prevent such harassment arises from Massachusetts General Laws 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.
5. **PROCEDURES:** department heads and appointing authorities are responsible for disseminating this policy to employees under their supervision; 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; advising employees of their right to complain to the Town's Affirmative Action Officer, the Massachusetts Commission against Discrimination (MCAD) and the U.S. Equal Employment Opportunity Commission (EEOC); informing employees that it is advisable to report, in a timely manner, conduct which the employee believes to be sexual harassment; and assisting the employee in the complaint resolution process.

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

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

6. **COMPLAINT RESOLUTION PROCESS:** any employee who believes that he/she has been or is being discriminated against in violation of this policy should notify the Affirmative Action Officer. The Affirmative Action Officer, or the Affirmative Action Officer's designee in the event the employee wishes to discuss the complaint with a person of a particular gender, will meet with the employee within two working days and will request specific information regarding the alleged incident and will give the employee an opportunity to file a written description of the alleged harassment.

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The Affirmative Action Officer, or the Affirmative Action Officer's designee, will then meet with the alleged harasser within two working days and give the alleged harasser an opportunity to respond to the allegations and submit a written report. The Affirmative Action Officer, or the Affirmative Action Officer's designee, may then meet with witnesses or other individuals who may be helpful to the investigation. Within three weeks of the initial meeting with the employee, the Affirmative Action Officer, or the Affirmative Action Officer's designee will prepare a report with findings. If the report finds that sexual harassment has not occurred, the employee and the alleged harasser will be notified of the finding. If the report finds that sexual harassment has occurred, the employee will be given the option of pursuing mediation to resolve the matter with the harasser. If the employee chooses not to pursue mediation, appropriate disciplinary action will be taken against the harasser. If the employee chooses mediation, the employee may terminate the mediation process at any time.

All such complaints and meetings shall be kept confidential. Documents pertaining to such complaint will not be included in the personnel file of the employee filing the complaint.

If the Affirmative Action Officer is unable to resolve the situation to the employee's satisfaction, he/she will direct the employee to the MCAD or EEOC.

An employee who is unwilling to make a complaint to the Town's Affirmative Action Officer 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. The harasser may be a supervisory employee who does not supervise the victim, a co-worker or even a non-employee, such as a board member;
- 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. The victim may 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; and

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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.

f. employees may not be discriminated against or be subject to retaliation for pursuing a sexual harassment complaint. Any employee who discriminates or retaliates against an employee who has complained of sexual harassment will be subject to disciplinary action.

8. **EFFECTIVE DATE:** This Administrative Order shall take effect immediately.

9. **REFERENCE:** Affirmative Action Plan.

Approved: December 14, 1994

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Town Administrator