

## SEXUAL HARASSMENT POLICY OF THE J. V. FLETCHER LIBRARY

### I. INTRODUCTION

It is the goal of the J. V. Fletcher Library, a department of the Municipality of Westford, 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 organization. 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 a procedure has been provided whereby inappropriate conduct will be dealt with, if encountered by employees.

Because the J. V. Fletcher Library, Town of Westford takes allegations of sexual harassment seriously, we (the Library Administration and Board of Library Trustees) will respond promptly to complaints of sexual 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 goal of promoting a workplace that is free of sexual 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 sexual harassment.

### II. DEFINITION OF SEXUAL HARASSMENT

In Massachusetts, the legal definition for sexual harassment is this:

*“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 conditions, direct or implicit 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 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 workplace environment that is hostile, offensive, intimidating or humiliating to 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 persuasiveness:

- Unwelcome sexual advances -- whether they involve touching or not;
- Sexual epithets, offending language, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body; comments about an individual's sexual activity, deficiencies, or prowess;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Displaying sexually suggestive objects, pictures or cartoons;
- Inquiries into one's sexual experiences; and
- 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.

### III. COMPLAINTS OF SEXUAL HARASSMENT

If any of our employees believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with our organization. This may be done in writing, or orally, as close to the incident as possible, within a maximum period of six (6) months.

If you would like to file a complaint, you may do so by contacting your immediate Supervisor. If the complaint involves your immediate Supervisor, or if your Supervisor fails to take satisfactory action, consult the either the Library Director or Assistant Director, or the Chairman of the Board of Library Trustees to ensure that your complaint is thoroughly and properly investigated. Copies of all complaints will immediately be forwarded to the Human Resources Director and the Town Manager. Your Supervisor, or the abovementioned, can provide information to you about our policy on sexual harassment and our complaint process.

#### IV. SEXUAL HARASSMENT INVESTIGATION

When we receive the complaint 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 practicable under the circumstances. Our investigation will include a private interview of the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. 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 so impose disciplinary action.

#### V. 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.

#### VI. STATE AND FEDERAL REMEDIES

In addition to the above, if you believe you have been subjected to sexual harassment you may file a formal complaint with either or both of the governmental agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has short time period for filing a claim (EEOC - 180 days; MCAD - 6 months).

- ⇒ The United States Equal Employment Opportunity Commission (EEOC)  
10 Congress St. 10th Floor  
Boston MA 02114  
617-565-3200
- ⇒ The Massachusetts Commission against Discrimination (MCAD)  
*Boston Office:*  
One Ashburton Place - Rm. 601  
Boston MA 02108  
617-727-3990
- ⇒ The Massachusetts Commission against Discrimination (MCAD)  
*Springfield Office:*  
424 Dwight St. Rm. 220  
Springfield MA 01103  
413-739-2145

Voted and Approved by the Board of Trustees 9/29/97.