



ANTI-DISCRIMINATION AND SEXUAL HARASSMENT

POLICY & PROCEDURE NO.	SECTION	PAGES:	10
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MASSACHUSETTS POLICE ACCREDITATION STANDARDS REFERENCED:		June 11, 2024	
26.1.3, 33.7.2		EFFECTIVE DATE:	
ISSUING AUTHORITY: 		REVISION DATE:	
Chief Nathan Hagglund			

I. GENERAL CONSIDERATIONS AND GUIDELINES

It is the goal of the Town of West Brookfield to promote a workplace that is free of discrimination or harassment of any type, including sexual harassment. Discrimination consists of unfair exclusion and/or action or inaction as regards an employee or an individual under consideration for employment; and harassment of unwelcome conduct, whether verbal or physical; any of which can be based on a characteristic protected by law, such as sex, age, race, color, national origin, religion, disability, or sexual orientation. The Town of West Brookfield will not tolerate discrimination or harassing conduct of any kind as it applies to employment conditions, affects an individual's performance, or 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 West Brookfield takes allegations of discrimination or harassment seriously, complaints of either will be responded to promptly. Where it is determined that inappropriate conduct has occurred, prompt

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action will be initiated 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 the goals of promoting a workplace that is free of discrimination and harassment, the policy is not designed or intended to limit the authority of the Town to discipline or take remedial action for workplace conduct deemed unacceptable, regardless of whether such conduct satisfies the definition of harassment.

II. POLICY

The West Brookfield Police Department adheres to the town of West Brookfield's Sexual Harassment Policy, as issued to all Town of West Brookfield employees.
[26.1.3]

III. DEFINITIONS

"Discrimination" means the unequal treatment of persons for a reason which has nothing to do with legal rights or ability. Discrimination includes, but is not limited to:

1. Denying employment or advancement opportunities for a reason that has nothing to do with ability or because of an association with someone of a particular sex, age, race, color, national origin, religion, disability, or sexual orientation.

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

1. Display or circulation of written materials or pictures that show hostility or aversion to a person's sex, race, color, national origin, religion, age, disability, or sexual orientation.
2. Verbal abuse, slurs, derogatory jokes and comments, the mocking of 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:

1. Submission to such conduct is made either explicitly or

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implicitly a term or condition of an individual's employment;

2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of interfering with an individual's work performance and interaction with co-workers 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. Likewise, similar requests, direct or indirect, by a co-worker in exchange for confidences, assistance, or the relief of ongoing harassment constitutes sexual harassment.

The definition of sexual harassment is broad and subjective and so, a cautious and thoughtful approach to its interpretation is well-advised. In addition to the above examples, there are several other unwelcome sexual-oriented behaviors that also may constitute harassment, which can have the effect, intended or not, of creating a hostile work environment that is offensive, intimidating or humiliating to either male or female workers.

While it is not possible to list all circumstances that could be defined as sexual harassment, the following are some examples of conduct that does, depending upon a total consideration of the situation including extremity and pervasiveness of the conduct:

- Unwelcome sexual advances – whether they involve physical touching or not;
- Unwelcome leering, whistling, brushing against the body, sexualized behavior, sexual gestures or pantomime;
- Suggestive comments about clothing, comment on an individual's body, leering compliments, the injection or the turning of a phrase in regular conversation or of a particular statement into a sexual innuendo - whether intended humorously or not, sexual epithets, jokes, written or oral references to sexual conduct;
- Gossip regarding one's own or other's sex life; comment about an individual's sexual activity, deficiencies, or prowess;

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- Inquiries into an individual's sexual experiences or discussion of one's sexual activities; and,
- Displaying sexually suggestive objects, pictures, cartoons.

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.

PROHIBITIONS

- A. Sexual harassment in the workplace is unlawful and is prohibited. **[26.1.3(A)]**
- B. Other forms of harassment are also prohibited. **[26.1.3(B)]**
- C. It is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating with an investigation of a complaint for sexual harassment.

TRAINING

- A. All employees shall receive a written copy of the sexual harassment policy annually. **[33.7.2]**
- B. All new employees shall receive a copy of the sexual harassment policy at the time of employment.

RESPONSIBILITY OF ALL EMPLOYEES

Each employee is responsible for:

- A. Ensuring that (s)he does not sexually harass any other employee, applicant for employment, or other individual, either in the workplace or at a work-related activity;
- B. Informing any individual that their words or actions are unwelcome and offensive, when any type of harassment is encountered;
- C. Immediately reporting acts of harassment;

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- D. Cooperating in the investigation of complaints of alleged sexual harassment by providing any information (s)he possesses concerning the matters being investigated; and
- E. Otherwise cooperating with the department's efforts to prevent and eliminate sexual harassment and to maintain a working environment free from such unlawful discrimination.

IV. COMPLAINT PROCEDURES

All employees, managers, and supervisors of the Town of West Brookfield share responsibility for avoiding, discouraging and reporting any form of discriminatory harassment.

If any employee believes that he or she has been subjected to or has first-hand knowledge of discrimination or harassment, that employee has the right to file a complaint with the Town. 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 discrimination or harassment may also file a complaint with the Town using the procedures described herein. Furthermore, employees 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 everyone 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 the Chief of police or his designee. These persons are also available to discuss any concerns you may have and to provide information to you about the Town's policy on harassment and the complaint filing process.

REPORTING [26.1.3(C,G)]

1. Any employee who believes (s)he has been the victim of sexual harassment shall report this fact, either orally or in writing, as soon as possible to their supervisor.
 - A. The Supervisor shall report such information, through the chain of command, to the Chief.

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- B. See department telephone directory for name, work address and telephone number of supervisor. **[26.1.3(H)]**
- C. If the employee believes that the nature of the sexual harassment is such that (s)he is not comfortable discussing the situation with their immediate supervisor, the employee may make such a report to a higher level of supervision in the chain of command, up to and including the Chief.
- D. If the alleged harasser is a supervisor or otherwise in the chain of command, the employee should make such a report to a higher level of supervision in the chain of command, up to and including the Chief. **[26.1.3(D)]**
- E. If a supervisor is contacted, (s)he shall report such information, through the chain of command, to the Chief. See department telephone directory for name, work address and telephone number of supervisor.
- F. In the event the employee feels it is not appropriate to contact the Chief, (s)he may contact the Town's Sexual Harassment Officer.

V. COMPLAINT INVESTIGATION

When a complaint is received, the allegation will be promptly investigated in a fair and expedient manner to determine whether or not there has been a violation of policy. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Investigation will include private interviews with the person filing the complaint and with witnesses. The person alleged to have committed harassment also will be interviewed. The alleged perpetrator and all witnesses are required to cooperate fully with all aspects of an investigation. When the investigation is complete, the person filing the complaint and the person alleged to have committed the conduct will be informed of the results of that investigation.

A complaint may be determined to be "founded" (i.e., the incident occurred as charged and the complaint is justified), "unfounded" (i.e., the incident did not occur as charged or does not constitute harassment), or "inconclusive" (i.e., there is insufficient evidence to make a ruling either way). If it is determined that inappropriate conduct has occurred, prompt action will be taken to eliminate the offending conduct.

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INVESTIGATIONS

1. Informal Proceedings

- A. The supervisor, individual in the chain of command, or the Chief who receives the initial complaint may propose informal remedies. If the complainant agrees to pursue this approach, the supervisor, individual in the chain of command, or the Chief will meet with the alleged harasser, relate the fact that a sexual harassment incident or practice has been reported, and propose a remedy.
- B. If the informal remedy is accepted by the alleged harasser, the situation shall be monitored closely by the supervisor, individual in the chain of command, or the Chief to determine whether the work climate changes or whether there are further incidents. If the complainant reports that the situation has not been rectified or if the alleged harasser declines to agree to informal adjustment the complainant will be encouraged to file a formal complaint.
- C. The Chief shall be notified when a complaint is received and informal proceedings are instituted and the Chief shall maintain records reflecting the substance of the informal remedy agreement.

2. Formal Proceedings

- A. An employee may institute a formal procedure by filing a written complaint with the Chief.
- B. A thorough investigation will be conducted by the Chief or their designee, which shall include attempting to obtain statements from the alleged harasser and co-workers of the complainant and the alleged harasser. The Chief should resolve the matter within 30 business days of receipt of the complaint.
- C. The Chief shall maintain records of all complaints, investigations, and actions taken.

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- D. The Chief or their designee shall handle complaints with confidentiality, sensitivity, and due concern for the dignity of all parties involved.
- E. In a situation where the complainant and the alleged harasser will continue working in the same general area or environment during or after the completion of the investigation, it may be necessary or appropriate for the chief to clearly define the terms of the continued professional interaction.
- F. In a situation where the complainant is transferred to another position during or after the completion of the investigation there shall not be a detrimental change in the terms and conditions of the complainant's employment. This includes but is not limited to: a demotion or a decrease in pay, responsibilities, benefits, or prestige.
- G. **CONFIDENTIALITY:** The Department will maintain the confidentiality of the allegations of the complaint, the complainant and the alleged harasser to the extent lawful and practical without handicapping the department's ability to perform an investigation.

Notwithstanding this policy, the Town reserves the right to investigate and take action of its own initiative in response to any behavior or conduct that may constitute harassment or otherwise be inappropriate, regardless of whether or not an actual complaint has been filed.

VI. DISCIPLINARY ACTION

If it is determined that inappropriate conduct has been committed by a Town employee, prompt action ranging from counseling to termination of employment will be taken and may include such other forms of disciplinary action as is deemed appropriate under the circumstances.

SANCTIONS

1. Any employee found to have engaged in sexual harassment in violation of this policy is subject to disciplinary action up to and including termination of employment. **[26.1.3(F)]**

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2. Retaliation against an individual who has complained about sexual harassment or has cooperated with an investigation of a sexual harassment complaint is such a serious violation of this policy and the law that disciplinary action, most likely discharge, will be taken.

[26.1.3(E)]

VII. STATE AND FEDERAL REMEDIES [26.1.3(I)]

In addition to the above, if you believe you have been subjected to discrimination or 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 agency requires that a claim be filed within 300 days of the alleged violation.

The United States Equal Employment Opportunity Commission ("EEOC")

One Congress Street, 10th Floor

Boston, MA 02114,

(617) 565-3200

[26.1.3(J)]

The Massachusetts Commission Against Discrimination ("MCAD")

Boston Office:

One Ashburton Place, Room

601 Boston, MA 02108

(617) 727-3990

[26.1.3(I)]

Springfield Office:

424 Dwight Street, Room 220

Springfield, MA 01103

(413) 739-2145

Worcester Office

22 Front St., 5th Floor

P.O. Box 8038

Worcester, MA 01641

(508) 799-6379

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Acknowledgment of Receipt of Anti-Discrimination and Harassment Policy and Procedures

I acknowledge receipt of this Anti-Discrimination and Harassment Policy and Procedures from the Town of West Brookfield and have read its contents.

Employee

Date

Witness