

# MIDDLEBOROUGH HOUSING AUTHORITY

## SEXUAL HARASSMENT POLICY

### **I. Introduction**

It is the goal of the Middleborough Housing Authority 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 this organization. When it is determined that an allegation of sexual harassment is credible, it will take prompt and appropriate corrective action. 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 we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Middleborough Housing Authority takes allegations of sexual harassment seriously, we 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 goals 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.

All employees are required to comply with this policy. Employees are also expected to behave professionally and to exercise good judgment in work-related relationships, whether with fellow employees, business colleagues, or members of the public with whom they come into contact in the course of their official duties. Further, all employees are expected to take appropriate measures to prevent sexual harassment. Unwelcome behavior of a sexual nature should be stopped before it becomes severe or pervasive and rises to a violation of law.

### **II. Definition of Sexual Harassment**

In Massachusetts, the legal definition for sexual harassment is the following: "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 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 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 work place 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 pervasiveness:

- Unwelcome sexual advances - whether they involve physical touching or not;
- 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;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

A victim of sexual harassment can be a man or a woman. The victim can be of the same sex as the harasser. The harasser can be a supervisor, co-worker, another employee, or a non-employee who has a business relationship with the Authority.

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**

Any employee who believes he or she has been the target of sexual harassment is encouraged to inform the offending person orally or in writing that such conduct is unwelcome and offensive and must stop.

If the employee does not wish to communicate directly with the offending person, or if such communication has been ineffective, the employee has multiple avenues for reporting allegations of sexual harassment and/or pursuing resolution. Employees are encouraged to report the unwelcome conduct as soon as possible to the Executive Director 8 Benton Street, Middleboro, MA 02346, 508-947-3824x16. This may be done in writing or orally. In addition to reporting sexual harassment concerns to the Executive Director, employees who believe they have been subjected to sexual harassment may elect to contact the Chairman of the Board of Commissioners whose name and contact information is posted on the bulletin board outside the main office door. These people are available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

Additionally, employees who believe they have been subjected to sexual harassment may pursue resolution through mediation, Mediation is an informal way to resolve office problems using a trained mediator who facilitates communication between the parties to the dispute. If an employee chooses to attempt resolution through mediation, management is obligated to send a representative to the table. If a resolution is not reached, the parties may continue to pursue their rights in any other appropriate forum.

### **IV. Sexual Harassment Investigation**

If the Authority receives an allegation of sexual harassment, or has reason to believe sexual harassment is occurring, it will take the necessary steps to ensure that the matter is investigated

in a thorough, and impartial manner and promptly addressed. The Authority is also committed to take action if it learns of possible sexual harassment, even if the individual does not wish to file a formal complaint. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and any witnesses. The Authority will also interview the person alleged to have committed sexual harassment. When the investigation is completed, to the extent appropriate, the person filing the complaint and the person alleged to have committed the conduct will be informed of the results. If the allegation is determined to be credible, the Authority will take immediate and effective measures to end the unwelcome behavior and where it is appropriate, will also impose disciplinary action.

The Authority will seek to protect the identities of the alleged victim and harasser, except as reasonably necessary (for example, to complete an investigation successfully). The Authority will also take the necessary steps to protect from retaliation those employees who in good faith report incidents of potential sexual harassment. It is a violation of both federal law and state law to retaliate against someone who has reported possible sexual harassment. Violators may be subject to discipline.

#### **V. Disciplinary Action.**

Employees who have been found to have subjected another employee to unwelcome conduct of a sexual nature, whether such behavior meets the legal definition of sexual harassment or not, will be subject to discipline or other appropriate management action. Discipline will be appropriate to the circumstances, ranging from counseling to termination from employment, and may include such other forms of disciplinary action as deemed appropriate under the circumstances.

#### **VI. State and Federal Remedies**

In addition to the above, if an employee believes he/she has been subjected to sexual harassment, he/she may file a formal complaint with either or both of the government agencies set forth below. Using the Authority's complaint process does not prohibit the employee from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 180 days; MCAD - 6 months).

- United States Equal Employment Opportunity Commission (EEOC)  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
800-669-4000 - Phone  
(617) 565-3196 - Fax  
800-669-6820 -TTY
- Massachusetts Commission Against Discrimination (MCAD)  
One Ashburton Place  
Sixth Floor, Room 601  
Boston, MA 02108  
Phone: 617-994-6000  
TTY: 617-994-6196

These actions listed below in and of themselves are not always considered sexual harassment, but performed repeatedly or in a manner designed to humiliate or intimidate another can be found to meet the definition of sexual harassment or contribute to a hostile work environment.

Non-Verbal:

- Staring, leering or ogling;
- Looking a person up & down (elevator eyes);
- Having sexually suggestive materials in work place (posters, calendars);
- Making or posting sexually demeaning or offensive pictures, cartoons or other materials in the workplace;  
Repeatedly making lewd or sexually suggestive gestures; with hands or through body movements;
- Making facial expressions: winking, throwing kisses, licking lips;  
Waiting or following to/from car, work or home;
- Sending or leaving pornographic material
- Giving gifts or leaving objects that are sexually suggestive;

Verbal:

- Whistling, cat calls, kissing sounds, etc;
- Sexual pranks, or repeated sexual teasing, jokes, or innuendo, in person or via e-mail;
- Repeated vulgar comments;
- Suggestive sexual comments about a person's body or dress;
- Turning work discussions to sexual topics;
- Threatening/obscene phone calls, letters, or messages;
- Asking questions about a person's sexual life, fantasies, preference or history
- Telling lies or spreading rumors about a person's sex life;
- Repeated demands for dates or sex;
- Verbal abuse of a sexual nature;
- Threats if demand not complied with.
- Repeatedly asking a person to socialize during off-duty hours when the person has said no or has indicated he/ she is not interested (supervisors in particular should be careful not to pressure their employees to socialize);
- Off-duty, unwelcome conduct of a sexual nature that affects the work environment.

Physical:

- Grabbing, touching, shoving or groping a person
- Constantly hanging around a person
- Repeatedly standing too close or brushing up against a person
- Touching or rubbing oneself sexually around another person
- Hugging, patting, kissing or stroking a person

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