

SEXUAL HARASSMENT POLICY OF THE TAUNTON HOUSING AUTHORITY

I. Introduction

It is the goal of the Taunton 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 find themselves in connection with their employment is unlawful and will not be tolerated by this 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 we have provided a procedure by which inappropriate conduct will be dealt with if encountered by employees.

Because the Taunton Housing Authority takes allegations of sexual harassment seriously, the Authority will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, the Authority 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 nor intended to limit our authority to discipline or take remedial action for workplace conduct which the Authority may 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;
- (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 sexual 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, and 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.

The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. The Complainant, regardless of gender, may be a witness to and personally offended by such conduct. The harasser may be anyone including a supervisor, a co-worker, or a non-employee, such as a recipient of public services or a vendor.

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 and investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Taunton Housing Authority.

III.Complaints of Sexual Harassment

If any of the THA employees believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with the Housing Authority. This shall be submitted in writing.

If you would like to file a complaint you may do so by contacting Colleen Doherty, Executive Director, Taunton Housing Authority, 30 Olney Street, Suite B, Taunton, Massachusetts 02780, telephone number 508-823-6308.

Ms. Doherty is also available to discuss any concerns you may have and to provide information to you about this policy and the complaint process. Should an individual wish to file a complaint concerning sexual harassment relative to the Executive Director said complaint shall be submitted in writing to the Chairman of the Board of Commissioners. The Chairman of the Board of Commissioners shall then investigate said complaint.

IV. Sexual Harassment Investigation

When the THA receives the complaint, the THA will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a manner 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 with witnesses. The THA will also interview the person alleged to have committed sexual harassment. When the Authority has completed its investigation, the Authority will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of the investigation.

If it is determined that inappropriate conduct has occurred, the THA will act promptly to eliminate the offending conduct, and where appropriate, the Authority will institute disciplinary action.

V. Disciplinary Action

If it is determined that inappropriate conduct has been committed by one of the THA employees, the THA 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 the THA shall deem appropriate under the circumstances.

VI. Applicability to Residents

Because the Taunton Housing Authority views the issue of sexual harassment seriously, the Authority extends this policy to include residents of the Taunton Housing Authority.

VII. 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 government agencies set forth below. Using the THA complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD – 300 days).

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

2.The Massachusetts Commission Against Discrimination ("MCAD")
Boston Office:
One Ashburton Place - Room 601
Boston, MA 02108
(617) 994-6000

Developed 11/96
Adopted 11/96

Amended 4/18/12 – last paragraph added page 2. Change period for filing claim.