

**TOWN OF BOLTON  
STANDARDS OF CONDUCT POLICY  
EQUAL EMPLOYMENT OPPORTUNITY, DISCRIMINATION,  
ANTI- HARASSEMENT AND SEXUAL HARASSMENT**

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**I. PURPOSE**

The purpose of this policy is to define a Code of Conduct and prohibits unlawful discrimination and harassment in the workplace, in order to ensure compliance with all applicable federal laws and state statutes and regulations.

**II. APPLICATION**

The Policy applies to all employees of the Town of Bolton. Employees whose employment is governed by a collective bargaining agreement are subject only to those provisions of this Policy not specifically regulated by law or agreement.

**III. POLICY**

It is the Policy of the Town to promote a professional and productive workplace in which all employees are treated with dignity and respect. Employees are expected to act in a positive manner and contribute to a productive work environment that is free from harassing or disruptive activity. Discrimination, including harassment, whether based upon race, color, gender, gender identity, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetic information, active military status, or other bases prohibited under state or federal anti-discrimination statutes, will not be tolerated. To achieve the goal of providing a workplace free from discrimination, the Town will implement the procedure described below to address any potential inappropriate conduct.

**A. Coverage**

This Policy applies to all employment practices and employment programs sponsored by the Town.

This Policy shall apply, but not be limited to, the areas of:

- Recruitment
- Selection
- Compensation and benefits
- Professional development and training
- Reasonable accommodation for disabilities or religious practices
- Promotion
- Transfer
- Termination
- Layoff, and
- Other terms and conditions of employment.

This Policy may apply to discrimination (including harassment) that occurs between co-workers that takes place outside the workplace (including, but not limited to, online conduct or conduct utilizing the internet or other electronic media). When the conduct complained of occurs outside of the workplace, the Town may consider the following and other factors in assessing whether the conduct constitutes conduct in violation of this Policy:

- whether the event at which the conduct occurred is linked to the workplace in any way, such as at a Town-sponsored function;
- whether the conduct occurred during work hours;
- the severity of the alleged outside-of-work conduct;
- the work relationship of the complainant and alleged harasser, which includes whether the alleged harasser is a supervisor and whether the alleged harasser and complainant come into contact with one another on the job;
- Whether the conduct adversely affected the terms and conditions of the complainant's employment or impacted the complainant's work environment.

Because the Town takes allegations of unlawful discrimination and harassment seriously, officials will respond promptly to complaints and, where it is determined that such inappropriate conduct has occurred, 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 the Town's goals of promoting a workplace that is free of discrimination and harassment, **the Policy is not designed or intended to limit the Town's authority to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfies the legal definitions of discrimination or harassment.**

#### **B. Examples of Prohibited Discriminatory Behavior**

It is not possible to list all the circumstances that may constitute discrimination in violation of this Policy. Discrimination may take many forms, including both verbal and nonverbal behaviors. Prohibited behavior includes, but is not limited to, the following behaviors connected to someone's membership in one or more groups protected by law as noted in the first paragraph above: slurs or other derogatory comments; sharing demeaning pictures, cartoons, or jokes; demeaning gestures, and; any conduct constituting sexual harassment.

### **C. Definition of Sexual Harassment**

It is unlawful to harass a person (an applicant or employee) because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

Harassment does not have to be sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general.

Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

#### **Generally**

There are two types of sexual harassment: "quid pro quo" harassment and "hostile work environment" harassment. They may occur independently or concurrently.

**Quid Pro Quo** – A form of sexual harassment, where tangible job benefits are offered or withheld in exchange for sexual favors. Under this definition, 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.

That conduct, including unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, which may constitute sexual harassment when:

- 1) Submission to such conduct is made explicitly or 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 unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**Hostile Work Environment** – A form of sexual harassment where pervasive and sexually hostile working conditions unreasonably interfere with an employee's ability to do his or her job.

Note: 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.

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. This can include conduct that is aimed at a person's sexual orientation or gender identity.

#### **IV. PROCEDURES**

##### **A. Complaints of Sexual Harassment**

If an employee believes that he or she has been subjected to sexual harassment, it is the Town's policy to provide the employee with the right to file an internal complaint. This may be done orally or in writing.

An employee may file a complaint of sexual harassment by contacting the Human Resources Director. Alternatively, an employee may file his or her complaint with the Town Administrator. These persons will remain available to discuss any concerns employees may have and to provide information about the Town's Policy on sexual harassment and the complaint process.

##### **B. Sexual Harassment Investigation**

When a complaint of sexual harassment is received, the Town 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. The Town's investigation will include a private interview with the person filing the complaint and with any witnesses. The Town will also interview the person alleged to have committed sexual harassment. When the investigation has concluded, the Town 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, the Town will act promptly to eliminate the offending conduct, and where appropriate, impose disciplinary action.

##### **C. Complaints Concerning Other Forms of Discrimination and/or Harassment**

Complaints alleging forms of discrimination and/or harassment, other than sexual harassment, will be processed in accordance with Paragraphs 1 and 2, above, whenever appropriate.

##### **D. Confidentiality**

Given the sensitive nature of complaints of discrimination and/or harassment, all parties and witnesses in a complaint, as well as department heads, supervisors, etc. who are aware of a complaint or investigation thereof, are strongly encouraged to maintain this information as confidential, so as not to

negatively impact an investigation. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.

All employees are reminded of the provisions of G.L. c. 268A, § 23(c)(2), which prohibit a municipal employee or official from improperly disclosing information that is protected from disclosure under the public records law, and acquired by an employee or official in the course of official duties. Section 23 also prohibits a municipal employee or official from using such information to further the employee's/officials personal interest. Violations of Section 23 may lead to disciplinary action, up to and including termination.

#### **E. Retaliation**

Any retaliation against an individual who has formally or informally complained about discrimination, including harassment, or has cooperated with an investigation of a discrimination complaint, is prohibited.

Retaliation can be overt or subtle. Retaliation may include, but is not limited to, treating a complainant or witness differently, more harshly or in a hostile manner; physical interference with movement such as blocking a path; derogatory comments or action which would tend to have a chilling effect on other complainants; sudden investigations of the complainant's private life, or; sudden strict enforcement of work rules. Retaliation in any form will not be tolerated.

#### **IV. WORKPLACE VIOLENCE**

Violence in the workplace will not be tolerated. For the purposes of this policy, workplace violence is any behavior which is intended (or a reasonable person may perceive is intended) to abuse or injure a person or damage or destroy property in the workplace including, but not limited to bullying, threats, physical, verbal, written or visual attack, or property damage. The following definitions are incorporated to assist employees to more fully understand the nature of the behavior prohibited by this policy. Note, workplace violent behavior is not limited to only these descriptions:

**Bullying-** Bullying will not be tolerated in the workplace. Bullying is the use of force, threat, or coercion to abuse, intimidate, or aggressively dominate others. The behavior is often repeated and habitual. Bullies often vary their tactics hour to hour, day to day. Bullying includes, but is not limited to, verbal abuse (i.e. shouting, swearing, name calling, malicious sarcasm, threats to safety); behaviors/actions (i.e. public or private that are threatening, intimidating, humiliating, hostile, offensive, inappropriately cruel); abuse of authority (i.e. underserved evaluations, denial of advancement, tarnished reputation, arbitrary instructions, unsafe assignments); interference with work performance (i.e. sabotage, undermining, ensuring failure) or destruction of workplace relationships (i.e. among co-workers, bosses, or customers).

**A Threat-** expression of intent to cause physical or mental harm regardless of whether the person communicating the threat has the present ability to carry out the threat, and regardless of whether the threat is contingent, conditional or future.

**Physical Attack-** intentional hostile physical contact with another person or an object such as hitting, fighting, pushing, shoving, or throwing.

**Verbal Attack-** intentional hostile communication (including recorded messages) with another person such as abusive outbursts, verbal tirades intended to offend, offensive comments, or use of obscene or threatening language.

**Written Attack-** the use of printed, electronic or social media, including notes, letters, drawings, pictures, or computerized mail, to threaten, abuse, ridicule, or harass people or to threaten property.

**Visual Attack-** the use of bodily gestures that are threatening, obscene, or abusive.

**Property Damage-** intentional damage (as a reasonable person may presume by the nature of the damage) to property which includes property owned by the town, employees, or others.

## **V. SANCTIONS**

If it is determined that inappropriate conduct has been committed by an employee, the Town will take such action as is appropriate under the circumstances. Such actions may include: counseling, informal or formal reprimands, written or verbal warnings, suspension, reduction in pay, reduction in duties, transfers, and other formal sanctions, including termination from employment.

## **VI. STATE AND FEDERAL REMEDIES**

In addition to the above, if an employee believes he or she has been subjected to sexual harassment, he or she may file a formal complaint with either or both of the government agencies listed below. Using the Town's complaint process does not prohibit an employee from filing a complaint with either of these agencies. Please note that both agencies have a short time period for filing a claim (300 days).

### **1. The United States Equal Employment Opportunity Commission (EEOC)**

John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
Phone: (800) 669-4000  
TTY: (800) 669-6820

### **2. The Massachusetts Commission Against Discrimination (MCAD)**

#### **Boston Office**

One Ashburton Place  
Sixth Floor, Room 601  
Boston, MA 02108  
Phone: 617-994-6000  
TTY: 617-994-6196

#### **Springfield Office**

436 Dwight Street  
Second Floor, Room 220  
Springfield, MA 01103  
(413) 739-2145



**Worcester Office**

Worcester City Hall  
455 Main Street, Room 100  
Worcester, MA 01608  
(508) 799-8010  
(508) 799-8490 – FAX

**New Bedford Office**

800 Purchase St., Rm 501  
New Bedford, MA 02740  
(508) 990-2390  
(508) 990-4260 - FAX

**VII. EMPLOYEE ASSISTANCE PROGRAM**

The Employee Assistance Program is available to all employees. This is available 24/7 to assist employees with work issues. The number is 1-800-252-4555.

**VII. REASONABLE ACCOMMODATION**

The Town will not discriminate against people with disabilities in any employment practices or in terms, conditions or privileges of employment, including, but not limited to: application, testing, hiring, assignment, evaluation, disciplinary action, training, promotion, medical examination, layoff/recall, termination, compensation, leaves or benefits. The Town will make reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability, unless such action would cause an undue hardship to the operations of the Town.

Employees seeking reasonable accommodations may submit their request in writing to their Department Head, Human Resources, or the Town Administrator.

**VIII. CODE OF CONDUCT**

Employees are expected to conduct themselves professionally internally and with the public. This will enhance respect and confidence in the employee and the town. Employees must not only perform their duties with integrity, but must avoid unprofessional behavior.

**IX. EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

The Town will not discriminate in its employment practices, on the basis of race, color, gender, gender identity, national origin, religious creed, ancestry, age, sexual orientation, disability, maternity leave, genetic information, active military status, or another basis prohibited under state or federal anti-discrimination statutes. This shall include such areas as recruitment, selection, compensation and benefits, professional development and training, reasonable accommodation for disabilities or religious practices, promotion, transfer, termination, layoff, and other terms and conditions of employment.

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This acknowledges that I have received and reviewed the Town of Bolton's Standards of Conduct Policy, Equal Employment Opportunity, Discrimination, Anti-Harassment, and Sexual Harassment Policy ("Policy"). By signing this form, I agree to abide by the Policy and any Guidelines promulgated thereunder, and I agree to review periodically any changes or modifications. I recognize that the law and associated Policy regarding discrimination and harassment are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required.

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

***To be included in employee's personnel file.***