



TOWN OF GRAFTON
Grafton Memorial Municipal Center
30 Providence Road
Grafton, Massachusetts 01519

Harassment of Individuals in Protected Classes

Purpose: This document outlines the Town's policy and procedure on Protected Class Harassment. This is to ensure all employees are fully informed of Protected Class Harassment and to ensure compliance with applicable federal laws, state statutes, and local by-laws.

Applicability: This Policy applies to all employees of the Town of Grafton (the "Town"), excluding those employees under the supervision and control of the School Committee.

Definitions:

Harassment: Harassment on the basis of a Protected Class (hereafter referred to as "Protected Class Harassment") is a form of behavior or conduct that adversely affects the employment relationship. It is against the policy of the Town for any individual to harass another individual on the basis of a Protected Class when:

- Submission to or rejection of such advances, requests, or conduct, is made either explicitly or implicitly a term or condition of employment or a basis for employment decisions; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating a hostile, intimidating, humiliating, or offensive work environment.

Protected Classes: Protected classes include the following: race, color, religious creed, national origin, sex, ancestry, sexual orientation, as defined by law, or on the basis of age, as defined by law, qualified mental or physical disability, gender identity or expression, as defined by law, genetic information, veteran's status, military service or application for military service, or pregnancy (collectively, "Protected Classes")

Policy: The Town depends upon a work environment of tolerance and respect for the achievement of its goals. The Town is committed to providing a working environment that is free of all forms of abuse or harassment. The Town recognizes the right of all employees to be treated with respect and dignity.

Harassment of individuals occurring in the workplace or in other settings in which individuals of the Town may find themselves in connection with their employment is unlawful under Federal and State law and will not be tolerated by the Town. The Town also condemns and prohibits harassment of any applicant, client, vendor, or visitor.

Because the Town takes allegations of protected class harassment seriously, it will respond promptly to complaints of protected class harassment, and where it is determined that inappropriate conduct has occurred, it will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate, including discharge.

It is important to note that while this policy sets forth our goals of promoting a workplace that is free of protected class harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct that is deemed unacceptable, regardless of whether that conduct satisfies the definition of protected class harassment.

1.0 Equal Employment Opportunity: The Town is an equal opportunity employer and does not discriminate in hiring or employment on the basis of any Protected Class, as defined above. If an individual believes they require an accommodation in order to perform the essential functions of their job due to disability, please notify Human Resources.

2.0 The Rule: It is against the policy of the Town for any individual to harass another individual on the basis of Protected Class. It is also against the policy of the Town for an individual to engage in any other form of unlawful harassment, or inappropriate or unprofessional conduct in the workplace.

3.0 Examples of Conduct That May Constitute Harassment: Protected class harassment refers to behavior that is not welcomed by the employee, which is personally offensive to them, and which undermines morale and/or interferes with the ability of the employee to work effectively. While it is not possible to list all of the circumstances that may constitute protected class harassment, depending upon the totality of the facts, including the severity of the conduct and its pervasiveness, the following is a list of situations that could constitute protected class harassment.

- Verbal abuse, comments, jokes, teasing, threats, or the use of words that degrade a person because of their Protected Class;
- Obscene or suggestive gestures or sounds intended to relate to a person's Protect Class;
- Posting or distributing, either digitally or physically, letters, notes, objects, pictures, cartoons, or other materials that degrade a person because of their Protected Class;
- Sending offensive or discriminatory messages or materials related to an individual's Protected Class through the use of electronic communications (e.g., internal and external electronic mail, voicemail, facsimile, and internet sites, including social media sites);
- Condoning harassment on the basis of a protected class.

Harassment on the basis of protected class can occur in a variety of circumstances. Here are some things to remember:

- The harasser does not have to be the victim's supervisor;
- A member of the protected class may be victimized by another member of the protected class;
- The victim does not have to be the person at whom the unwelcome protected class harassment is directed. The victim may be someone who is affected by the harassing conduct, even when it is directed toward another person, if the conduct creates an

intimidating, hostile, or offensive working environment for the co-worker or interferes with the co-worker's work performance;

Each individual of the Town is personally responsible for:

- ensuring that his/her conduct does not harass any other employee or person with whom the employee comes in contact on the job, such as an outside vendor;
- cooperating in any investigation of alleged protected class harassment by providing any information he/she possesses concerning the matter being investigated;
- actively participating in efforts to prevent and eliminate protected class harassment and to maintain a working environment free from such discrimination; and
- ensuring that an employee who files a protected class harassment claim or cooperates in an investigation may do so without fear of retaliation or reprisal.

4.0 Social Media and Protected Class Harassment: The targeting of an individual because of their Protected Class is harmful to a cohesive organization and potentially unlawful behavior. Any text post, video, image, voice recording, or any other social media post directed at an employee, applicant, or volunteer, that constitutes harassment as dictated by this policy may be used as grounds for a complaint to be filed.

In addition to what is outlined in this policy, additional examples of social media harassment include but are not limited to:

- Threats of physical harm because of an individual's Protected Class; or
- Coordination of actions amongst a group to harass an individual based on their Protected Class;

5.0 Violation of Policy: Any individual violating this policy will be subject to appropriate discipline including possible termination of employment.

Procedures for Complaints:

1.0 Complaint: The Town has designated William Blake as the Protected Class Harassment Grievance Officer. He is the Assistant Town Administrator and can be reached at the Grafton Municipal Center, 30 Providence Road, Grafton Massachusetts, 01519, or via phone at 508-839-5335 x 1180.

The town has designated Christa Marot as the Alternate Protected Class Harassment Grievance Office. She is the Human Resources Analyst and can be spoken to if an individual is uncomfortable speaking with Mr. Blake, or if he is unavailable. Christa can be reached at 508-539-5335 x 1129 or at the Grafton Municipal Center.

Employees do not have to follow the regular chain of supervision when reporting Protected Class Harassment. They may go directly to the Grievance Officer, without informing their direct supervisor or Department Head.

If any individual believes they have been subjected to projected class harassment, they should initiate a complaint as soon as possible by contacting one of the two individuals listed above. Complaints should be filed promptly after the incident, as the longer the period of time between the event and the filing, the more difficult it will be for the Grievance Officer to reconstruct what occurred. Complaints are requested in writing to create a document of the charge.

If an employee prefers to discuss a possible protected class harassment problem with his or her supervisor, the employee may always do so. The supervisor will then prepare a write-up of the incident and bring the complaint to the Grievance Officer. If the complaint is made against another employee in the same department, the Grievance Officer and Department Head will discuss how to best handle the situation within the Department. If the complaint is made against an employee in a different Department, the investigation process outlined in this policy will be followed.

2.0 Investigation: Upon receiving a complaint, the primary or alternate Grievance Officer will promptly undertake an investigation of the matter. The investigation may include interviews with the employee making the complain, with witnesses, and with the person accused of harassment.

This process will be confidential, to the extent possible to ensure an effective and thorough investigation.

When the investigation is completed, the Town will, to the extent appropriate, inform the person who filed the complaint, as well as the person alleged to have committed the complained-of conduct, of the result of the investigation. If the investigation reveals that unlawful harassment did occur, the Town will act promptly to eliminate the offensive conduct.

3.0 Decision: After all necessary documentation has been received and any further investigation has been completed, the Town will make a final decision. If the Town finds that the allegation in the complaint has been established by the investigation, the Town will initiate disciplinary action. Any action will be proportional to the offense committed and can include termination of employment.

4.0 Retaliation: Retaliation against an individual for filing a complaint of protected class harassment or against any individual for cooperating in an investigation of a protected class harassment complaint is a violation of the law and this policy. If any employee believes that they have been subjected to relation for having brought a complaint of harassment, or for having participated in an investigation of a complaint of harassment, that employee is encouraged to report the situation as soon as possible to the Harassment Grievance Officer of the Alternate Harassment Grievance Officer, or to the employee's supervisor. Any employee found to have engaged in retaliatory conduct is subject to disciplinary action, up to termination of employment.

State and Federal Agencies:

The Massachusetts Commission Against Discrimination ("MCAD"), located at One Ashburton Place, Boston, MA 02108, 484 Main Street, Room 320, Worcester, MA 01608 or, 436 Dwight Street, Springfield, MA 01103, is responsible for enforcing the Massachusetts discrimination and protected class harassment law. A complaint to the MCAD must be filed within 300 days.

The U.S. Equal Employment Opportunity Commission ("EEOC") is responsible for enforcing the federal law prohibiting protected class harassment. The EEOC is located at JFK Federal Office Building, 15 New Sudbury Street, Room 475, Boston, MA 02203. A complaint filed under the federal law should be filed within 180 days, but under certain circumstances, a federal complaint may be filed within 300 days.

Approved By: Select Board

Date: 9/6/22



Colleen Roy, Chair



Mathew Often, Vice Chair



Andrew Jefferson, Clerk



Ann Marie Foley, Member

Raymond Mead, Member

Attachment A:
Employee Confirmation of Receipt

I hereby certify that I have received and read a copy of the Harassment of Individuals in Protected Classes Policy, and have been given the opportunity to ask questions of my supervisor about the content of the Policy.

I certify that I have read and understand the content of the policy.

Employee Name

Department

Employee Signature

Date