


<b>NORTHAMPTON POLICE DEPARTMENT</b> <b>Administration &amp; Operations Manual</b>		
<b>Policy: Sexual and/or any other Discriminatory Harassment</b>		<b>AOM: P-240</b>
Massachusetts Police Accreditation Standards Referenced: [26.1.3]		Issuing Authority <hr/> John D. Cartledge Chief of Police
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## **I. Introductory Discussion [26.1.3]**

The Northampton Police Department has adopted the City of Northampton’s Discriminatory Harassment Policy. It is the goal of the City of Northampton and this Department to promote a workplace that is free of any type of discriminatory harassment, including sexual harassment. Sexual and/or any other type of discriminatory harassment of employees occurring in the workplace or other settings in which employees may 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 and/or any other type of discriminatory 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 the City’s goal of providing a workplace free from sexual and/or any other type of discriminatory harassment, the conduct that is described in this

policy will not be tolerated and procedures shall be provided, by which inappropriate conduct will be dealt with if encountered by employees.

Because the City of Northampton takes allegations of sexual and/or any other type of discriminatory harassment seriously, proper personnel will respond promptly to complaints of sexual and/or any other type of discriminatory harassment and where it is determined that such inappropriate conduct has occurred, they will act promptly to eliminate the conduct and impose such corrective action as necessary, including disciplinary action where appropriate.

Please note that while this city-wide policy sets forth goals of promoting a workplace that is free of sexual and/or any other type of discriminatory harassment, the policy is not designed or intended to limit this department's authority to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of sexual and/or any other type of discriminatory harassment.

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

- A. Effective November 6, 1996, employers were required by law to adopt a sexual harassment policy. 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:
1. 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
  2. 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 of: sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitute 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 any workers may also constitute sexual harassment.

- B. 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.

1. Demanding sexual favors accompanied by overt threats concerning one's job, performance evaluation, promotion, etc.
2. Engaging in reprisals (not granting promotions, assigning undesirable tasks, making negative statements about the victim's personal or work conduct, etc.) as a result of an individual's refusing to engage in social/sexual behavior.
3. Contact with any sexual part of a co-worker's body (e.g. touching, patting or pinching).
4. Unwelcome sexual advances – whether they involved physical touching or not.
5. Refusing to take action or to enforce disciplinary measures against a person who has been sexually harassing another staff member or otherwise condoning such behavior.
6. Inquiries into one's sexual experiences.
7. Displaying sexually suggestive pictures, objects, cartoons, or posters.
8. Verbal harassment or abuse; e.g. referring to or calling a person a demeaning or sexualized term, or making reference to a person's physical characteristics when that person has verbally or in writing indicated to the harasser or the Department that they do not wish to be addressed or referred to in that manner.
9. Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments; and
10. Sexual epithets, jokes, written or oral references to sexual conduct.

All employees should take special note that, as stated above, retaliation against an individual, who has complained about sexual and/or any other type of discriminatory harassment, and retaliation against individuals for cooperating with an investigation of a sexual and/or any other type of discriminatory harassment complaint, is unlawful and will not be tolerated by the City or this department.

### **III. Complaints of Sexual Harassment**

If an employee of this department believes that they have been subjected to sexual and/or any other type of discriminatory harassment, the employee has the right to immediately report the harassment to their supervisor, their supervisor's superiors, or with one of the individuals named below. This may be done in writing or orally.

If an employee of this department would like to file a complaint they may do so by contacting the Director of Human Resources located at 240 Main Street, Room 1- Northampton, MA or by phone at (413) 587-1258. This city official is also available to discuss any concerns an employee may have and to provide information to them about the sexual harassment policy and complaint process.

### **IV. Sexual and/or any Other Type of Discriminatory Harassment Investigation**

When the Director of Human Resources receives a complaint, they 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 investigation will include a private interview for the person

filing the complaint and with witnesses. They will also interview the person alleged to have committed sexual and/or any other type of discriminatory harassment. When they have completed the investigation, they 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, they will act promptly to eliminate the offending conduct, and where it is appropriate will also impose disciplinary action.

## V. Disciplinary Action

If it is determined that inappropriate conduct has been committed by an employee of this department, the Director of Human Resources 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 they deem appropriate under the circumstances.

## VI. State and Federal Remedies

In addition to the above, if an employee believes that they have been subjected to sexual and/or any other type of discriminatory harassment, they may file a formal complaint with either or both of the governing agencies set forth below. Using the above mentioned complaint process does not prohibit an employee from filing a complaint with these agencies. Each of the agencies requires that claims be filed within 300 days from the alleged incident or when the complainant became aware of the incident.

1. The United State Equal Employment Opportunity Commission (“EEOC”)

One Congress St., 10<sup>th</sup> Floor  
 Boston, MA 02114  
 800-669-4000

2. The Massachusetts Commission Against Discrimination (“MCAD”)

<http://www.mass.gov/mcad/index.html>  
 Boston Office:  
 One Ashburton Place, Rm 601  
 Boston, MA 02108  
 617-994-6000

Springfield Office:  
 424 Dwight Street, Rm 220  
 Springfield, MA 01103  
 413-739-2145

Worcester Office:  
 22 Front St., 5<sup>th</sup> Floor

Worcester, MA 01641  
508-799-8010

(\*Copy of the above listed contact information is posted in the Break Room of the Police Department. In addition, a copy of the City of Northampton Policy is attached to the hard copy of this chapter).

## **VII. Receipt of Policy(s) and Acknowledgement**

### **A. Receipt of Policy:**

1. Initial Employment: In accordance with MGL Ch. 151B, §3A, upon initial hire, the Human Resource Department shall provide to employees a copy of the *City of Northampton's Discriminatory Harassment Policy*.
2. Annually: In accordance with MGL Ch. 151B, §3A each member of this department will be provided with an individual copy of the City's policy.

### **B. Acknowledgement:**

Upon the receipt of the city policy, new employees shall complete and sign *AOM P240.a Sexual Harassment Policy Receipt*.

Adopted from the City of Northampton's 1) Sexual Harassment Policy - June 9, 1997 and 2) the revised and re-titled Discriminatory Harassment Policy – December 3, 2004.