



Town of Burlington
29 Center Street
Burlington, MA 01803

POLICIES ON NON-DISCRIMINATION, ANTI-HARASSMENT AND NO RETALIATION

Policy Against Discrimination, Harassment or Retaliation In The Workplace

The Town of Burlington is committed to maintaining a working environment that is free from discrimination and harassment. It is Town policy to prohibit discrimination or harassment of an employee or by an employee (whether involving another employee, manager or third party such as residents, visitors, other government personnel, contractors, and vendors) because of race, color, religion, age, gender, sexual orientation, gender identity, gender expression, disability, pregnancy or condition related to the pregnancy, national origin, ancestry, protected genetic information, veteran status, military service or other characteristics identified as being protected by applicable federal or state laws. Further, retaliation against an individual who has complained in good faith about discrimination or harassment, or has cooperated with an investigation of a discrimination or harassment complaint, will not be tolerated.

For purposes of this policy, harassment generally refers to conduct that has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or offensive work environment; and retaliation includes direct or indirect action or inaction that may deter a reasonable employee from complaining or participating in an investigation into discrimination, harassment or other potential policy violation.

This policy covers full-time, part-time, temporary, and seasonal employees and elected officials, volunteers, interns, applicants, and third parties doing business or having contact with the Town. This policy applies to all work settings and activities, whether inside or outside the workplace, and includes business trips and Town- sponsored events. Town property (such as telephones, cell phones, copy machines, facsimile machines, computers, printers, tablets, e-mail and Internet access) may not be used to engage in conduct that violates this policy. The policy applies as well to off- duty conduct, including the use of social media, if there is a nexus to the workplace.

To achieve the Town's goal of a workplace free from discrimination, harassment, and retaliation, we have provided a procedure by which conduct prohibited by this policy will be dealt with if encountered by employees. The Town takes complaints and allegations seriously, and will respond promptly to complaints of discrimination, harassment, and retaliation. Where the Town determines 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.

Note that while this policy sets forth the Town's goals of promoting a workplace that is free of discrimination, harassment, and retaliation, the policy is not designed or intended to limit the Town's authority to discipline or take remedial action for conduct which the Town deems unacceptable, regardless of whether that conduct satisfies the legal definition of discrimination, sexual or other harassment, or retaliation.

Sexual Harassment

The Town's policy against sexual harassment warrants separate discussion. It is the goal of the Town of Burlington to promote a workplace that is free of sexual harassment. In Massachusetts, the legal definition for sexual harassment means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- Submission to or rejection of advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or
- 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 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. Further:

- A man as well as a woman may be the target of sexual harassment, and a woman as well as a man may be the harasser.
- The harasser does not have to be the target's supervisor. He or she may be an agent of the supervisor, a supervisory employee who does not supervise the victim, a non-supervisory employee (coworker), or, in some circumstances, even a non-employee.
- The target does not have to be the opposite sex from the harasser.
- The target does not have to be the person at whom the unwelcome sexual conduct is directed. He or she may also be someone who is affected by such conduct when it is directed toward another person. For example, under objectively reasonable circumstances, the sexual harassment of one employee may create an intimidating, hostile, or offensive working environment for a coworker, or interfere with the coworker's work performance.
 - Sexual harassment does not depend on the target having suffered an actual economic injury as a result of the harasser's conduct. For example, improper sexual advances, which do not result in the loss of a promotion by the target may under objectively reasonable circumstances, constitute sexual harassment where they interfere with the target's work or create a harmful or offensive work environment.

The 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 workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers also may 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 or not they involve physical touching;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comment on an individual's body, or comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, or cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, or suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

All employees should take special note that, as stated above, the Town will not tolerate retaliation against an individual who has complained about sexual harassment, or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint.

Complaints of Discrimination, Harassment, or Retaliation

If any Town employee believes that he or she has been subjected to discrimination, sexual or other harassment, or retaliation, or if a non-employee believes that he or she has been subjected to conduct of this nature by a Town employee, the individual has the right to file a complaint with the Town.

A complaint may be made orally or in writing by contacting:

- The Civil Rights Coordinator and Human Resources Director at Town of Burlington, 29 Center Street Burlington, MA 01803; Telephone: 781-505-1160 Email: hr@burlington.org
- The Town Administrator at Town of Burlington, 29 Center Street Burlington, MA 01803; Telephone: 781-270-1635 Email: selectboard@burlington.org

This designated person is available to discuss any concerns an individual may have and to provide information about the Town's policy against discrimination, harassment, or retaliation, and the complaint process.

Investigations

When the Town receives a complaint of discrimination (including, without limitation, discrimination based on pregnancy or pregnancy-related conditions), harassment, or retaliation, it will take appropriate corrective action in a fair and expeditious manner. Any investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Typically, an investigation would include private interviews with the person filing the complaint, with witnesses (as appropriate), and with the person alleged to have committed the offending conduct.

When the Town has completed its investigation, it will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct that the investigation has been concluded and that, as warranted, appropriate remedial action has been instituted. If the Town determines that inappropriate conduct has occurred, it will act promptly to eliminate the offending conduct, and as it determines appropriate, will also impose disciplinary action.

Disciplinary Action

If the Town determines that inappropriate conduct has been committed by one of our employees, the Town will take action as it deems appropriate under the circumstances. This may range from counseling to termination from employment, and may include such other forms of disciplinary or corrective action.

State and Federal Remedies

The Town strongly encourages employees to bring any concerns about possible discrimination, harassment, or retaliation to its attention, so that it can promptly look into the matter and take corrective action through internal processes. In addition, if an employee believes he or she has been subjected to discrimination, harassment, or retaliation, one or both of the government agencies listed below may have jurisdiction over the matter. Using the Town's internal complaint process does not prohibit an employee from filing a complaint with these agencies.

The United States Equal Employment Opportunity Commission ("EEOC")
John F. Kennedy Federal Building - Government Center Room 475- Boston, MA 02203-
0506 1-800-669-4000 or 1-800-669-6820 (TTY)
www.eeoc.gov/field/boston/index.cfm

The Massachusetts Commission Against Discrimination ("MCAD")

Boston Office:	Springfield Office:
One Ashburton Place	436 Dwight Street
Room 601	Room 220
Boston, MA 02108	Springfield, MA 01103
(617) 994-6000	(413) 739-2145