

MICHAEL D. BORG  
Town Manager



TOWN OF NORTH ATTLEBOROUGH  
43 South Washington Street  
North Attleborough MA 02760  
508-699-0100

May 31, 2022

## MEMORANDUM FOR RECORD

**SUBJECT:** Policy Letter 008 – Policy Prohibiting Discrimination and Harassment

1. **Scope.** It is the goal of our Town of North Attleborough (“Town”) to promote a workplace that is free from unlawful discrimination, harassment, including but not limited to sexual harassment, and retaliation. This policy applies to employees, elected officials, and appointed officials of the Town. For purposes of this policy, the terms “employee” and “employees” shall include full- and part-time employees, elected officials, and appointed officials of the Town.

### 2. Purpose.

a. The Town prohibits discrimination against employees on the basis of any characteristic/class protected by federal law and/or the laws of the Commonwealth of Massachusetts including race, color, religious creed, national origin, ancestry, sex/gender, gender identity, sexual orientation, age (40 years and older), disability, genetics, and active military status.

b. Harassment is a type of discrimination and is unwelcome conduct, whether verbal or physical, that is based on a protected characteristic/class and that creates an intimidating, hostile, or offensive work environment. Harassment of employees occurring in the workplace, in connection with work-related travel, and at work-sponsored events will not be tolerated. Furthermore, retaliation against an individual for having complained about discrimination or harassment or retaliation against an individual for having cooperated with an investigation of a discrimination or harassment complaint is prohibited by law, is a violation of this policy, and will not be tolerated.

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

d. While this policy sets forth the Town’s goals of promoting a workplace that is free of discrimination and harassment, this policy does not in any way limit the Town’s authority to discipline or take remedial action for workplace conduct which the Town finds to be

unacceptable, regardless of whether that conduct satisfies the definition of discrimination or harassment.

### **3. Definitions and Prohibited Conduct.**

a. “Employee” means a full- or part-time employees of the Town, and appointed officials of the Town and elected officials of the Town whether or not they receive remuneration.

b. “Harassment” means unwelcome conduct, whether verbal or physical, that is pervasive and severe and is based on an individual’s class status/characteristic protected by law. Harassment based on an individual’s protected class status or characteristic protected by law includes, but is not limited to conduct:

(1) Display or circulation of written materials, pictures, or images that are degrading to a person or group; or

(2) Verbal abuse, slurs, derogatory comments, or insults about, directed at, or made in the presence of an individual or group.

c. “Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other 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 conduct, advances, or requests have the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, offensive work environment; or

(3) submission to or rejection of such conduct, advances, or requests by an individual is used as the basis for employment decisions affecting such individual.

d. Under this definition, for example, 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 is a violation of this policy and constitutes sexual harassment.

e. The definition of sexual harassment is broad. In addition to the above examples, other unwelcome sexually oriented conduct that has the effect, whether intended or not, of creating a work environment that is hostile, offensive, intimidating or humiliating to employees (including male, female, and/or employees who identify as non-binary) may also constitute sexual harassment and is a violation of this policy.

f. While it is not possible to list all those additional circumstances that may violate this policy and 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) Unwelcome sexual advances – whether they involve physical touching or not;
- (2) 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;
- (3) Displaying sexually suggestive objects, pictures, cartoons, or images;
- (4) Unwelcome whistling, leering, brushing against an individual’s body, sexual gestures, suggestive or insulting comments;
- (5) Inquiries into one’s sexual experiences; and
- (6) Discussion of one’s sexual activities.

g. Retaliation against an individual for having complained about harassment, including sexual harassment, and retaliation against an individual for cooperating with an investigation of a harassment complaint, including sexual harassment, is prohibited by this policy, is unlawful, and will not be tolerated by the Town.

#### **4. Complaint Procedures.**

a. If any employee believes that the employee has been subjected to unlawful discrimination, harassment or sexual harassment, the employee has the right to file a complaint with the Town Manager or the Town’s Human Resources Director. This may be done in writing or verbally. Any department head, supervisor, elected or appointed official who is informed about a complaint or claim of discrimination, harassment or sexual harassment is required to notify the Town Manager or the Human Resources Director without delay.

b. Employees may also file a complaint if they have been subjected to harassment from residents, visitors, applicants, vendors, contractors, another employee(s), or any other third parties in the workplace, while performing work-related duties, or during other work-related activities.

c. Prompt reporting of harassment is in the best interest of the Town and is essential to a fair, timely, and thorough investigation. Accordingly, complaints should be filed as soon as possible following the incident(s) at issue. Complaints may be filed with the Town Manager or the Human Resources Director at:

Town Manager  
North Attleborough Town Hall

43 South Washington St.  
North Attleborough, MA 02760  
(508) 699-0100

Human Resources Director  
John Woodcock Administration Building  
6 Morse St.  
North Attleborough, MA 02760  
(508) 643-2175

## **5. Complaint Investigation.**

a. When the Town receives a complaint, the Town will promptly investigate the allegation(s) in a fair and expeditious manner to determine whether there has been a violation of the Town's policy. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances, but confidentiality cannot be guaranteed. The investigation may include private interviews with the person filing the complaint and with witnesses. The Town may also interview the person alleged to have committed the harassment. The complainant, the person alleged to have committed the harassment, and all witnesses are required to fully cooperate with all aspects of the investigation. When the Town has completed its investigation, the Town will inform the person filing the complaint and the person alleged to have committed the harassment that the investigation has been completed. Notwithstanding any provision of this policy, the Town reserves the right to investigate and act on its own initiative in response to conduct which may constitute a violation of this policy or may otherwise be inappropriate, regardless of whether an actual complaint has been filed.

b. If it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the offending conduct, and where appropriate, will also impose corrective action which may include disciplinary action.

**6. Corrective Action.** If it is determined that inappropriate conduct has been committed, the Town will take such corrective action as is appropriate under the circumstances. This may range from counseling to termination from employment or may include such other forms of training and/or disciplinary action as deemed appropriate under the circumstances.

**7. State and Federal Remedies.** In addition to the above, if an employee believes the employee has been subjected to harassment of any type, including sexual harassment and/or retaliation, the employee may file a formal complaint with either or both government agencies set forth below. Using the Town's complaint process does not prohibit the 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.

United States Equal Employment Opportunity Commission ("EEOC")  
John F. Kennedy Federal Building  
15 New Sudbury Street, Room 475

Boston, MA 02203  
(800) 669-4000

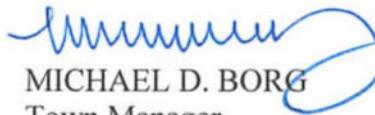
Massachusetts Commission Against Discrimination ("MCAD")

Boston Office:  
One Ashburton Place, Room 601  
Boston, MA 02108  
(617) 994-6000

Springfield Office:  
436 Dwight Street, Room 220  
Springfield, MA 01103  
(413) 739-2145

Worcester Office:  
484 Main Street, Room 320  
Worcester, MA 01608  
(508) 453-9630

8. Point of contact for this policy letter is the undersigned at [mborg@nattleboro.com](mailto:mborg@nattleboro.com) or 508-699-0100.



MICHAEL D. BORG

Town Manager  
North Attleborough, Massachusetts