

CHELSEA POLICE DEPARTMENT		Department Manual: Policy No. 4.02
Subject: SEXUAL HARASSMENT AWARENESS POLICY		
MASSACHUSETTS POLICE ACCREDITATION STANDARDS 26.1.3, 31.2.3, 33.7.1 REFERENCED: Annual Re-Issue		GENERAL ORDER 2012-04
Effective Date November 24, 2012 Referenced: General Order 02-19; 08-06	Issuing Authority: <hr/> Brian Kyes CHIEF of POLICE	

POLICY STATEMENT:

It is the goal of the City of Chelsea to promote a work place that is free of sexual harassment. Sexual harassment of employees occurring in the work place or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. **26.1.3**

To achieve our goal of providing a work place free from sexual harassment, the conduct that is described in this policy will not be tolerated, and the City has provided a procedure by which inappropriate conduct will be addressed, if encountered by employees.

I. INTRODUCTION

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

This policy shall apply to all employees of the City of Chelsea with the exception of the employees of the Chelsea School Department. **33.7.1**

Please note that while this policy sets forth the City's goal of promoting a work place that is free of sexual harassment, the policy is not designed or intended to limit the City's authority to discipline or take remedial action for work place conduct which the City deems unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

II. DEFINITION OF SEXUAL HARASSMENT 26.1.3

In Massachusetts, the legal definition for "sexual harassment" is as follows: requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly as a term or condition of employment or as a basis for employment decisions; or
- (b) 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.

Sexual Harassment does not depend on the victim 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 victim, or the discharge or demotion of the victim, may, nonetheless, constitute sexual harassment where they interfere with the victim's work or create a harmful, offensive or intimidating work environment.

Under these definitions, direct or implied requests by a supervisor or other co-worker for sexual favors in exchange for actual or promised job benefits such as, but not limited to, favorable reviews, salary increases, promotions, increased benefits, benefits not accorded other similarly situated employees, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad. In addition to the above examples, other sexually oriented conduct by a fellow employee, 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.

III. EXAMPLES OF SEXUAL HARASSMENT 26.1.3

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.

- A. Unwelcome sexual advances, whether they involve physical touching or not.
- B. Sexual epithets, jokes, written or oral references to sexual conduct.
- C. Gossip regarding one's sex life, comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess.
- D. Displaying sexually suggestive objects, posters, pictures, or cartoons.
- E. Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
- F. Contact with any sexual part of a coworker's body (touching, patting, and pinching).
- G. Touching any non-sexual part of the body after that person has verbally or otherwise indicated that such touching is unwarranted.
- H. Inquiring into one's sexual experiences.
- I. Discussions of one's sexual activities.
- J. Engaging in reprisals as a result of an individual's refusal to engage in social or sexual behavior.
- K. Language of a sexually offensive nature in another's presence even if not directed to said individual once it is known that (s)he objects.
- L. Continuing to ask a person to socialize after work when that person has indicated, verbally or in writing, no interest in such activities.

Sexual harassment is not, by definition, limited to prohibited conduct by a male toward a female, or by a supervisor toward a non-supervisory employee. The harasser may be an employee's supervisor, a co-worker, a supervisor in another division or department, or even a non-employee, and the victim does not have to be the opposite sex from the harasser. It may take the form of a male victim and a male harasser, a male victim and a female harasser, a female victim and a female harasser, or a female victim and a male harasser.

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

IV. RESPONSIBILITIES OF ALL EMPLOYEES:

Each employee is responsible for:

- A.) Ensuring that (s)he does not sexually harass any other employee, applicant for employment or other individual in the workplace;
- B. Cooperating in the investigation of complaints of alleged sexual harassment by providing any information (s)he possesses concerning the matters being investigated; and
- C. Otherwise cooperating with the City’s efforts to prevent and eliminate sexual
- D. Harassment and to maintain a working environment free from such unlawful discrimination.

V. REPORTING COMPLAINTS OF SEXUAL HARASSMENT [26.1.3, 31.2.3](#)

If any employee of the City of Chelsea believes that he or she has been subject to sexual harassment, the employee has the right to file a complaint with the City. Any complaint must be submitted, in writing, to:

**Personnel Director
The City of Chelsea
500 Broadway
Chelsea, MA 02150**

**Corporate Counsel
for the City of Chelsea
500 Broadway
Chelsea, MA 02150**

The Director and Corporate Counsel are available to discuss any concerns you may have and to provide information to you about the City's policy on sexual harassment and our complaint process.

If the employee believes that the nature of the sexual harassment or the identity of the alleged perpetrator is such that he or she is not comfortable with submitting the written complaint to the Personnel Director or Corporate Counsel or in the event the alleged perpetrator is the Personnel Director or Corporate Counsel the employee should submit the complaint, in writing, to the City Manager.

VI. SEXUAL HARASSMENT INVESTIGATION & CONFIDENTIALITY

Upon receipt of a written complaint, the City 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 with the person filing the complaint and with witnesses. The City will also interview the person alleged to have committed sexual harassment. Upon completion of the investigation, the City 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 been occurred, the City will act promptly to eliminate the offending conduct, and where appropriate, disciplinary action will be imposed.

The City will maintain the confidentiality of the allegations of the complaint, the complainant, and the alleged harasser to the extent practicable without handicapping the City's ability to conduct an investigation.

VII. DISCIPLINARY ACTION 26.1.3

If it is determined that inappropriate conduct has been committed by one of our employees, the City will take such action as is appropriate under the circumstances. Such action may range from counseling to termination of employment, and may include such other forms of disciplinary action as deemed appropriate under the circumstances.

VIII. STATE AND FEDERAL REMEDIES 26.1.3, 31.2.3

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the governing agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Any employee who feels that the City has not satisfactorily resolved their complaint may also file a formal complaint with these agencies. Please note that each of these agencies has a short time period for filing a claim (EEOC - 180 days; MCAD - 6 months). **31.2.3**

The United States Equal Employment Opportunity
Commission (EEOC)
1 Congress Street - 10th Floor
Boston, MA 02114 (617) 565-3200

The Massachusetts Commission

Policy # 4.02, Sexual Harassment Awareness Policy
Against Discrimination (MCAD)
One Ashburton Place - Rm. 601
Boston, MA 02108 (617) 727-3990

Any questions regarding this policy, or requests for additional information should be directed to the Personnel Director of the City of Chelsea at the address listed in Part V of this policy.

This policy shall become effective as of the date of this correspondence and shall remain in effect until modified or superseded by action of the City Manager.

The reporting and investigatory procedures set forth in this policy shall supersede the Grievance

Procedure set forth in the Affirmative Action Plan of the City of Chelsea with regard to the filing of written claims or complaints of sexual harassment, only. The reporting and investigatory procedures set forth in this policy shall be included in the Affirmative Action Plan when it is next revised.