

**SEXUAL HARASSMENT COMPLAINT and
INVESTIGATION PROCEDURES**

of the

Town of Greenfield, Massachusetts

HUMAN RESOURCES DEPARTMENT

March 20, 2006

NUMBER 500-1A (Supercedes procedures dated 2/15/00, 3/4/02, 5/5/04)

SEXUAL HARASSMENT COMPLAINT and INVESTIGATION
PROCEDURES
of Town of Greenfield

The Town of Greenfield may be held liable and responsible for sexual harassment for its employees' acts unless it can demonstrate that it took immediate and reasonably appropriate corrective action upon learning of the conduct.

The Human Resources Director will be responsible for (and Department Heads, Managers and Supervisors are expected to re-convey the below information when they deem it appropriate):

1. Provide each employee with a copy of the town's Sexual Harassment Policy and Complaint form when requested;
2. Inform employees that sexual harassment is prohibited conduct that will not be tolerated.
3. That disciplinary action will be taken against individuals who are found to have engaged in sexual harassment.
4. Advise employees of their right to make complaints to their supervisor, Department Head, or directly to the Director of Human Resources or any other person designated to handle complaints;
5. Inform employees that it is advisable to timely report conduct which they believe to be sexual harassment.
6. Transmit to employees information regarding procedures for receiving, investigating and resolving complaints or reports of alleged conduct.
7. Ensure that remedial and/or disciplinary action ordered against an employee as a result of an investigation and finding of sexual harassment be carried out immediately.

Anyone may make a complaint whether it is the victim or any other individual who has witnessed acts of sexual harassment or retaliation. The town expects individuals who witness such acts to report this conduct. All complaints will be taken seriously and will be investigated.

In general, every employee is personally responsible for:

1. Ensuring that his or her conduct does not sexually harass any other employee, applicant for employment, or other individual in the workplace; each employee who experiences what s/he believes to be harassment should make it clear to the offending person that the conduct is offensive.
2. Cooperate in the investigation of informal reporting or formal complaints of alleged sexual harassment by providing any information s/he possesses concerning the conduct or incident being investigated.
3. Cooperate with the town's efforts to prevent and eliminate sexual harassment and to maintain a working environment free from such unlawful discrimination.
4. Maintain confidentiality and flexibility in approaches to investigation and resolution of complaints. Employees shall keep their communications in such an investigation confidential and shall disclose them only to authorized investigators and employees who need the disclosure in order to perform an investigation.

When a complaint for sexual harassment has been filed with the Town an investigation process will be used. Throughout the process the goal of the investigator will be to be fair, objective and thorough. The method of investigation will include interviews of the complainant, harasser and any witnesses. Documentation may include such records as: the town's rules and policies regarding sexual harassment, misconduct and discipline; the personnel files of the complainant and the accused harasser; collective bargaining agreements; letters, notes, post-it notes, e-mail messages, photographs, greeting cards, logs, diaries, calendars or any other type of written document which provides evidence of the allegations.

Employees should be aware that circumstances may necessitate separating the person complaining of harassment from the person who is allegedly doing the harassing. No presumption of guilt will be concluded in this event. This may be

appropriate with allegations involving physical touching, violence or physical harm, if the alleged harassment is ongoing, or cases in which the complainant does not feel comfortable working with the alleged harasser. The alleged harasser may be temporarily transferred or placed on leave.

After the receipt of a written or oral complaint from any employee the following Investigation Process will occur.

Investigation Process

1. The complaining employee will have a private meeting with the town's investigating officer at which time the officer will document the complaint.
2. The officer's written notes and account of the alleged conduct or incident is meant as supporting documentation to the employee's own written or verbal account.
3. The account will include a description of the conduct or incident, the name of the alleged harasser; the times, locations, specific words or actions of the harasser; and the names of any witnesses to the occurrences. These will be considered to be part of the investigation materials.
4. The officer will meet privately with the alleged harasser and inform him or her of the complaint. The officer will document the alleged harasser's response to the allegations. If the alleged harasser denies the charges the investigation shall continue.
5. The officer will meet privately with the witnesses and document the witnesses' knowledge of the conduct or incidents.
6. Upon completion of the investigation, the officer shall draft a report outlining his or her findings and suggested resolution. The report will also include the complainant's suggested resolution, if any. Possible findings include: a substantiated complaint, an unsubstantiated complaint, or a knowingly false claim. If sexual harassment is determined to have occurred by the officer, the Mayor will meet with the officer to recommend appropriate disciplinary action. Disciplinary action may consist of one or more of the following: an oral warning or reprimand, a written warning or reprimand, sensitivity training or counseling, suspension, demotion or termination.

7. The investigation report and all documentation shall be kept in the sexual harassment officer's confidential files. The officer may write a summary of the investigation and the disciplinary action decided upon at the request of the Mayor. Both the complainant and the harasser will receive a summary in any disposition letter. If a complaint is substantiated, the summary and disciplinary letter shall go in the personnel file of the harasser. If the complaint is unsubstantiated, any summary or report shall be kept only in the sexual harassment officer's confidential file.

Guidelines for Sexual Harassment or Investigation Officer

1. The officer shall handle each situation with discretion, sensitivity and due concern for the dignity and privacy of all parties involved in any complaint or investigation.
2. In any investigation of any complaint the officer will act as a neutral fact-finder. He or she will not reveal unnecessarily the names of others being interviewed, discuss his or her personal opinion regarding the merits of the complaint, or counsel the person being interviewed.
3. Investigations shall be conducted as quickly as possible.
4. The officer shall maintain accurate and complete documentation of all conversations and correspondence regarding the complaint and the investigation. The file shall be kept in a safe, confidential location separate from regular personnel files.
5. The officer will remind a complainant that the officer is conducting an investigation on behalf of the town, but that the complainant also has the right to file a complaint with the MCAD or the EEOC, in addition to any grievance procedure covered in his or her collective bargaining agreement.

Approved: s/Christine Forgey
Christine Forgey
Mayor

s/Dennis Helmus
Dennis Helmus
Director of Human Resources

Codification: (Supercedes Procedure dated 2/00, 3/02, 5/04)