



COMMONWEALTH OF MASSACHUSETTS  
COMMISSION AGAINST DISCRIMINATION

MODEL SEXUAL HARASSMENT  
POLICY

Under the provisions of G.L. c.151B, ss.2 and 3 the Commission is authorized to adopt policies and issue such rules necessary to effectuate the purposes of G.L. c.151B. It is the goal of the Commission that such policies and rules assist members of the public in understanding the role, function, and process of the MCAD.

As a result of the enactment of St. 1996, c.278 "An Act Relative to Sexual Harassment and Training in the Workplace" the Commission is required to adopt a model sexual harassment policy. This Policy Guideline is promulgated to effectuate the purposes of that chapter and provides a model for employers to use. The model policy contains minimum standards which may be exceeded by the employer's policy.

MCAD Policy 96-2

ADOPTED BY THE COMMISSION ON OCTOBER 25, 1996

Adopted by the Board of Directors on December 17, 1996  
Amended by the Board of Directors on September 28, 2004  
Amended by the Board of Directors on March 28, 2006  
Amended by the Board of Directors on March 11, 2009  
Amended by the Board of Directors on October 10, 2018

*Attachment #1*

# SEXUAL HARASSMENT POLICY OF THE SALEM HOUSING AUTHORITY

## **I. Introduction**

It is the goal of The Salem Housing Authority to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in 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 harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Salem Housing Authority takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

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

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:

- (a) 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,
- (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.

Under these definitions, 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.

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 male or female workers may also 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 they involve physical touching or not;
- 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;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, 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, 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 this organization.

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

If any of our employees believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting Carol A. MacGown, Executive Director, 27 Charter Street, Salem, MA 01970, telephone number 978-744-4431, extension 111. If the matter is not resolved to the employee’s satisfaction, he/she should contact Maureen Call, duly appointed Sexual Harassment Policy Officer, 112 Rainbow Terrace, Salem, MA 01970, telephone number 978-998-0443. If the matter remains unresolved, the Sexual Harassment Policy Officer will recommend bringing the matter to the attention of the Salem Housing Authority Board in Executive Session. These persons are also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

### **IV. Sexual Harassment Investigation**

When we receive the complaint, we 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. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual

harassment. When we have completed our investigation, we 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, we will act promptly to eliminate the offending conduct, and where it is appropriate, we will also impose disciplinary action.

**V. Disciplinary Action**

If it is determined that inappropriate conduct has been committed by one of our employees, we 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 we deem appropriate under the circumstances.

**VI. State and Federal Remedies**

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. Each of the agencies has a short time period for filing a claim (EEOC – 180 days; MCAD – 6 months).

1. **The United States Equal Employment Opportunity Commission (“EEOC”)**  
2400 Government Center  
John F. Kennedy Federal Building  
Boston, MA 02203  
(617) 565-3200

2. **The Massachusetts Commission Against Discrimination (“MCAD”)**  
Boston Office: Springfield Office:  
One Ashburton Place – Rm 601 436 Dwight Street  
Boston, MA 02108 Springfield, MA 01103  
(617) 727-3990 (413) 739-2145

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A copy of this Policy was received by \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Employee



John A. Boris, Chairman  
Kimberley Driscoll, Vice Chairman  
Charity Lezama, Treasurer  
Benjamin Winthrop, Assistant Treasurer

EXTRACT FROM THE MINUTES OF THE  
SPECIAL MEETING OF THE BOARD MEMBERS OF THE  
SALEM HOUSING AUTHORITY HELD ON  
WEDNESDAY, MAY 15, 2019 AT 6:00 P.M.

The BOARD MEMBERS of the SALEM HOUSING AUTHORITY met in a SPECIAL MEETING at the office of the Authority, 27 Charter Street in the City of Salem, Massachusetts on WEDNESDAY, MAY 15, 2019 at 6:00 P.M., the place, hour, and date duly established for the holding of such meeting.

The meeting was called to order at 6:00 p.m. by John A. Boris, Chairman and upon a roll call, the following answered present:

<u>Present</u>	<u>Absent</u>
Benjamin Winthrop	(Vacant Seat)
Kimberley Driscoll	
Charity Lezama	
John A. Boris	

Also Present: Debra A. Tucker, Acting Executive Director, and Anne Cameron

The Chairman declared a quorum present.

MOTION

The following resolution was introduced by John A. Boris, Chairman, read in full, and considered:

John A. Boris moved to appoint Kimberley Driscoll as the new Sexual Harassment Officer for the Salem Housing Authority in place of Maureen Call as she has resigned her position on the Board of Directors as of April 30, 2019. Charity Lezama seconded the motion and the vote was as follows:

<u>Ayes</u>	<u>Nays</u>
4	0

The Chairman thereupon declared the motion carried.

