

## **TOWN OF MEDWAY**

### **NON-DISCRIMINATION POLICY, INCLUDING HARASSMENT AND RETALIATION**

The Town of Medway is committed to maintaining a work environment that is free from all forms of discrimination, including harassment and retaliation. Those subject to the Town of Medway's non-discrimination policy include all Town of Medway employees, board and committee members, volunteers, and parties contracted to perform work for the Town of Medway. The Town does not exclude from participation, deny from the Town's benefits or otherwise discriminate against individuals on the basis of race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy, or pregnancy-related condition, actual or perceived shared ancestry, ethnic background, national origin, or any other category protected by state or federal law in its employment policies or in its programs and activities. The Town of Medway requires conduct in accordance with this policy and it is a violation of this policy to engage in any form of discrimination, including harassment and retaliation, or to violate any other civil right of any person subject to this policy. Discrimination in any form, including harassment and retaliation, will not be tolerated. Retaliation includes, but is not limited to, coercion, intimidation, interference, punishment, discrimination, or harassment for reporting or filing a complaint of discrimination, cooperating in an investigation, aiding or encouraging another person subject to this policy to report such conduct or file a complaint, or opposing any act or practice reasonably believed to be prohibited by this policy.

#### **Procedures For Responding to Complaints of Discrimination, Harassment and Retaliation**

The Town of Medway will respond promptly to any reports or complaints of discrimination, including harassment and retaliation, or other violations of civil rights, pursuant to its policies and procedures described below and in the personnel policy, as applicable. Where it is determined that discrimination or harassment has occurred in a Town program or activity, the Town will act promptly to stop the discrimination or harassment, remedy the impact and will take corrective action to prevent the recurrence.

#### **Definitions**

"Discrimination" and "Harassment" are defined as unwelcome conduct, whether verbal or physical, that is based on any individual's actual or perceived race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy or pregnancy-related conditions, actual or perceived ancestry, ethnic background, national origin, or any other category protected by state or federal law, in the administration of its employment policies or in its programs and activities. Discrimination and/or harassment includes, but is not limited to: the display or circulation of written materials or pictures that are degrading to a person or group described above; verbal abuse or insults about, directed at, or made in the presence of, an individual or group described above; any action or speech that contributes to, promotes or results in a hostile or discriminatory environment to an individual or group described above; any action or speech that is sufficiently severe, pervasive or persistent that it either (i) interferes with or limits the ability of an individual or group described above to participate in or benefit from employment or a program or activity of the Town or (ii) creates an intimidating, threatening or abusive working environment. Harassment may include, but is not limited to, any unwelcome, inappropriate, or illegal physical, written, verbal, graphic, or electronic conduct that has the intent or effect of creating a hostile work environment by unreasonably interfering with that individual's work environment or limiting the ability of an individual to participate in or benefit from the Town's programs and activities.

Retaliation includes, but is not limited to, coercion, intimidation, interference, punishment, discrimination, or harassment for reporting or filing a complaint of discrimination, cooperating in an investigation, aiding or encouraging another person subject to this policy to report such conduct or file a complaint, or opposing any act or practice reasonably believed to be prohibited by this policy. Any person subject to this policy who feels that they have been discriminated against or subjected to harassment for any of the reasons cited in this policy or who becomes aware of an incident of such discrimination or harassment, should utilize the following procedure set forth in this policy to report the incident.

### **Complaint Procedure for Non-Sexual Harassment Matters**

#### **Reporting a Complaint of Discrimination or Harassment**

If a person subject to this policy believes, in good faith, that they have been subjected to discrimination or harassment as defined in the policy, the individual has a right to file a complaint with the Town through the Civil Rights Coordinator. This may be done verbally or in writing to the following: Civil Rights Coordinator, 155 Village Street, Medway, MA 02053, 508-533-3264, [apotter@townofmedway.org](mailto:apotter@townofmedway.org). Any complaint must be reported to the Coordinator. If a complaint is made to any staff member, that staff member must notify the Coordinator. Any employee who observes incidents of harassment should report such incidents immediately to their department manager. Managers aware of harassment involving any employee should promptly report such incidents to the Coordinator.

For information regarding complaints of sexual harassment in violation of the Town's policy and Massachusetts law, including the related grievance procedures, please refer to the Town's personnel policy.

#### **Interim Measures and Investigation**

The Town of Medway takes allegations of discrimination and harassment seriously and will respond promptly to complaints by taking interim measures to protect the complainant from further discrimination and/or harassment and by conducting a timely, thorough and impartial investigation. All complaints will be thoroughly investigated by the Coordinator or designee. Both the complainant and the subject of the complaint will be interviewed and given a full opportunity to state their case through the presentation of witnesses and other evidence. Witnesses and other persons relevant to the complaint, if any, may also be interviewed. Complaints will be investigated within a reasonable time, usually not to exceed thirty business days after the complaint has been received, except for extenuating circumstances. When more than thirty business days is required for the investigation, the Coordinator or designee shall inform the Complainant that the investigation is still ongoing. Both the complainant and the subject of the complaint will be informed when a finding is made in a manner consistent with federal and state law.

#### **Appeals**

If either party disputes the results of the investigation or resolution, such person may submit an appeal in writing to the Town Manager within ten business days of the Coordinator or designee's decision. After receipt of such an appeal, the Town Manager or designee will review the records of the investigation and may request a meeting with the appellant to obtain additional information. The Town Manager or designee will issue a written decision within ten business days of receipt of the appeal or meeting (if requested), whichever is later. The Town Manager or designee's decision shall be final.

#### **Responsive Measures and Disciplinary Action**

If a complaint is substantiated, the Coordinator or designee will act promptly to eliminate the conduct and will refer the matter to the proper manager for appropriate responsive measures, including but not limited to disciplinary action. Discipline of Town staff will be consistent with collective bargaining agreement procedures, as applicable. Responsive measures will also include any steps necessary to prevent the recurrence of any discrimination and/or harassment and will include corrective action aimed at eliminating any discriminatory effects on the complainant and others, as appropriate. While this policy sets forth the Town's goals of promoting a work environment, programs and services free from discrimination and harassment, this policy is not designed or intended to limit the Town's authority to discipline and/or take remedial action for conduct which it deems unacceptable, regardless of whether that conduct falls within the scope of this policy.

Nothing in this policy or procedure shall be deemed to affect a complainant's right to other remedies at law. Administrative agencies with jurisdiction in these matters include:

Massachusetts Commission Against Discrimination ("MCAD") One Ashburton Place, Room 601 Boston, MA 02108 P: (617) 727-3990

U.S. Equal Employment Opportunity Commission ("EEOC") John F. Kennedy Federal Building 25 Sudbury Street Boston, MA 02222