



**Town of Arlington
Office of the Town Manager**

Adam Chapdelaine
Town Manager

730 Massachusetts Avenue
Arlington MA 02476-4908
Phone (781) 316-3010
Fax (781) 316-3019
E-mail: achapdelaine@town.arlington.ma.us
Website: www.arlingtonma.gov

NON-DISCRIMINATION POLICY AND POLICY AGAINST HARASSMENT

I. INTRODUCTION

It is the goal of the Town of Arlington ("Town") to maintain a workplace that is free of unlawful discrimination and harassment. Discrimination and harassment based on the employee's race, color, religious creed, national origin, sex, sexual orientation, age, ancestry, disability, gender identity, veteran status and genetic information or other class protected by law is unlawful and violates this policy. Unlawful discrimination and harassment of employees in the workplace or in connection with their employment will not be tolerated.

It is a violation of this policy for any Town employee, vendor, contractor or volunteer (hereinafter "person") to discriminate against, harass, bully, intimidate, threaten, insult, retaliate against, or otherwise engage in any conduct, whether verbal or physical, against an employee, a member of the public engaging Town services or using Town facilities, a Town volunteer, or a Town vendor or contractor based on such individual's protected class status including race, color, religious creed, national origin, sex, sexual orientation, age, ancestry, disability, gender identity, veteran status and genetic information.

Harassment is a form of discrimination, and sexual harassment is a type of harassment. The Town takes allegations of discrimination, harassment, and sexual harassment seriously and will respond quickly to such allegations. If the Town finds that an individual has violated the law or this policy, the Town will act promptly to eliminate the conduct, impose corrective action as the Town determines appropriate, including taking disciplinary action up to and including termination.

It is a violation of this policy to retaliate against an individual who has complained of, or who has cooperated in an investigation of, alleged discrimination, harassment, or sexual harassment, or an alleged violation of this policy. Further, any retaliation against an individual who has complained about discrimination, harassment, or sexual harassment or retaliation against an

individual for cooperating with an investigation of a discrimination, harassment or sexual harassment complaint is unlawful and will not be tolerated.

While this policy sets forth the Town's goals of promoting and maintaining a workplace that is free of unlawful discrimination, harassment, and sexual harassment, this policy is not designed or intended to limit the Town's authority to discipline or take remedial action for workplace conduct which the Town determines is unacceptable, regardless of whether such conduct is determined to be unlawful discrimination, harassment, or sexual harassment. Nothing in this policy shall limit the Town's authority to discipline or take remedial action for conduct that the Town determines to be inappropriate or a violation of this policy whether or not such conduct constitutes a violation of law. Disciplinary action shall be taken in accordance with any applicable collective bargaining agreement or law.

II. DISCRIMINATION, HARASSMENT, AND SEXUAL HARASSMENT

Unlawful discrimination includes unwelcome conduct based on a person's race, color, religious creed, national origin, sex, sexual orientation, age, ancestry, disability, gender identity, veteran status, genetic information, or other class status protected by law. Conduct that violates this policy and that may violate the law includes, but is not limited to offensive jokes, slurs, epithets, name calling, physical assaults, threats, intimidation, mockery, insults, ridicule, offensive gestures, pictures or objects, or any other unwelcome or offensive conduct based on or because of a person's protected class status. It shall be a violation of this policy to engage in any of the aforementioned conduct, or to create a hostile work environment.

In Massachusetts, 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.

The definition of sexual harassment is broad and, in addition to the above examples, may include 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. Sexual harassment and violations of this policy can be by a man toward a woman or another man and can be by a woman toward a man or another woman.

While it is not possible to list all the conduct that violates this policy and that may constitute sexual harassment and a violation of law, the following are some examples of conduct that violates this policy and that 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, electronic, digital, 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;
- Requests for sexual favors;
- The display or distribution of written, digital, or electronic sexually explicit photographs, drawings or cartoons, or obscene materials
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments of a sexual nature;
- Displaying sexually suggestive objects, pictures, drawings, or cartoons whether in print, electronic, or digital form;
- Inquiring into an individual's sexual experiences, or comments on an individual's sexual preferences;
- Discussion of an individual's sexual activities; and
- Any verbal or physical conduct of a sexual nature where a person's submission to or rejection of such conduct is the basis for or is a factor in any employment decision affecting the individual, or otherwise creates an intimidating, hostile, or offensive working environment.

The Town will determine whether conduct constitutes a violation of this policy based on a review of the facts and circumstances of each situation.

The Town will not condone sexual harassment of its employees and Town volunteers by non-employees, and will act promptly to eliminate any such harassment.

The Town will not condone any discrimination, harassment, and/or sexual harassment of its employees, volunteers, contractors or vendors performing work for the Town. An individual who violates this policy shall be subject to disciplinary action up to and including but not limited to the following: discharge from employment, exclusion from future volunteer opportunities, exclusion from town buildings and property, or termination of consulting work. Disciplinary action against employees shall be taken in accordance with the law and any applicable collective bargaining agreements.

III. COMPLAINTS

An individual who believes he/she has been subject to discrimination or harassment prohibited by this policy or who believes there is a violation of this policy should report the conduct to the Town's Human Resources Director, Caryn Malloy or the Town's Special Town Counsel, Edward Marlenga.

Supervisors, Managers, and Appointing Authorities who receive reports or complaints alleging discrimination, harassment or violations of this policy shall contact the Human Resources Director immediately. The Human Resources Director's office is located at Town Hall, 730 Massachusetts Avenue, Arlington, MA 02476, and the Human Resources Director can be reached at (781) 316-3121. The Special Town Counsel's office is located at 50 Pleasant Street, Arlington, MA 02476 and the Special Town Counsel can be reached at (781) 316-3150.

The Town will investigate all complaints and reports of discrimination, harassment and violations of this policy. Such investigation will include interviews with the person making the complaint or report and may include interviews with employees or individuals who may have relevant information.

If it is determined that a violation of this policy has occurred, the Town will act promptly to eliminate the offending conduct, and where appropriate, impose disciplinary action that may include termination.

It is a violation of this policy and it is unlawful to retaliate against a person for filing a complaint of harassment, discrimination or sexual harassment, or for cooperating in an investigation of any such complaint.

In addition to the above, any employee who believes he/she has been subjected to unlawful discrimination, harassment or sexual harassment may file a formal charge with either or both of the following government agencies: The Massachusetts Commission Against Discrimination and the Equal Employment Opportunity Commission. Each of these agencies has a 300-day time period for filing a charge. They are located at:

Massachusetts Commission Against Discrimination (MCAD)
One Ashburton Place
Boston, MA 02108
(617)727-3990

U.S. Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
1-800-669-4000


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