

## **CITY OF MALDEN**

### **SEXUAL HARASSMENT: POLICY AND PROCEDURES**

The City of Malden (the “City”) depends upon a work environment of tolerance and respect for the achievement of its goals. The City is committed to providing a work environment which is free from harassment based on an individual’s sex, race, color, religion, sexual orientation, national origin, ancestry, disability, or age. Harassment in all of these forms is unlawful and violates both the spirit of equal opportunity and the rights of the individual. It undermines the integrity of the employment relationship and can destroy the morale and commitment of the individuals involved.

Harassment covers a range of behaviors, including subtle and not-so-subtle, verbal and non-verbal behavior. It can be engaged in or experienced by both males and females. The City will not tolerate any form of harassment at any level

Harassment includes:

- telling jokes or making verbal or physical innuendoes which explicitly or implicitly belittle an individual’s sex, race, color, religion, sexual orientation, national origin, ancestry, disability or age
- engaging in verbal or physical conduct of a sexual nature, including conduct that expressly or implicitly constitutes a sexual advance or a request for sexual acts or favors
- making verbal or physical conduct of a sexual nature, or the refusal to engage in such conduct, the basis of any employment decision or a condition of an individual’s continued employment
- taking or failing to take a personnel action (e.g., firing, demoting, failing to promote) in reprisal for an employee’s rejecting or reporting such inappropriate conduct
- failing to take appropriate action in response to an employee’s reporting such conduct (e.g., failing to investigate charges)
- creating an intimidating, hostile, humiliating, or offensive work environment by means of verbal or physical conduct of a harassing nature
- subjecting others to obscenity or offensive language (which might include displaying offensive or sexually suggestive photographs, objects, pictures, cartoons, graffiti, etc., using offensive language in situations where others are certain to hear it, and similar conduct)
- graphic commentary about an individual’s body, sexual prowess, or sexual deficiencies
- leering, whistling, touching, pinching, assault

This kind of behavior is unacceptable both in City offices and in any work-related setting outside our offices such as during business trips, on office outings, at parties and business-related social events.

In the interest of maintaining a work environment in which no employee or visitor feels threatened or alienated, employees are warned against making unwelcome sexual advances toward anyone, including co-workers. An employee who engages in harassment will be subject to appropriate disciplinary action, which may range from an oral or written warning up to and including discharge.

Any employee who believes that he or she has been subjected to harassment, whether by an executive, department head, co-worker, contractor, visitor or other person, should report the incident to his or her Department Head, or :

Eleanor Cushing, Human Resources Director    or  
200 Pleasant Street  
Malden, MA 02148  
(781) 397-7187

Richard Howard, Mayor  
200 Pleasant Street  
Malden, MA 02148  
(781) 397-7000

The City will then ensure that a thorough investigation of the complaint is conducted following procedures designed to discover the facts, to preserve the strict confidentiality of everyone involved in the investigation, to prevent retaliation against the employee bringing the complaint and against anyone who assists in the investigation, and to ensure fair treatment of the person(s) accused of harassment.

Any discrimination or adverse action, such as intimidation, threats, or coercion, taken against an employee because he or she has complained of harassment or assisted in any harassment investigation is unlawful and will also result in appropriate disciplinary action.

Throughout the investigative process, to the extent possible, the City will share information about the matter only on a need-to-know basis. To ensure a fair investigation, all employees, including the complainant, who suspect or have knowledge of a harassment complaint or of the conduct of an investigation should refrain from discussing the matter with other employees, except to the extent the Human Resources Director or the Mayor directs otherwise.

The person conducting the investigation will report his or her findings to the Human Resources Director. The results shall also be reported in confidence to the complainant.

The following state and federal employment discrimination agencies enforce the law against sexual harassment and discrimination and can be contacted at the phone numbers and addresses listed below:

Equal Employment Opportunity Commission  
One Congress Street  
Boston, MA 02114  
Tel: (617) 565-3200

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

I acknowledge receipt of the Sexual Harassment Policy from the City of Malden, and I have read its contents.

\_\_\_\_\_  
Print Name

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness