

**City of Springfield  
Sexual Harassment Policy  
2022**

**I. Introduction**

It is the goal of the City of Springfield to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings related to their employment is unlawful and will not be tolerated by the City of Springfield. Sexual harassment of non-employees by an employee during work activities will not be tolerated. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a 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.

The City of Springfield takes allegations of sexual harassment seriously, and will respond promptly to any complaints of sexual harassment. If it is determined that such inappropriate conduct has occurred, the Human Resources Department and/or the appointing authority will act promptly to eliminate the conduct and impose such corrective action, including disciplinary action.

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, "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.

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, experience, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons, images, music, movies or television programs outside the normal course of business;

- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experience and,
- Discussion of one's sexual activities.

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

If any City of Springfield employee believes that he/she has been subjected to, or witnessed, sexual harassment in the workplace, the employee has the right to file a complaint. This may be done in writing or orally. Employees should immediately report sexual harassment to their supervisor, the Human Resources/Labor Relations Department or the Chief Diversity and Inclusion Officer (CDIO).

The complainant does not have to be the person at whom the unwelcome harassing conduct is directed at. The complainant, regardless of gender, may be a witness to and personally offended by such conduct. The harasser may be anyone including a supervisor, a co-worker, or a non-employee, such as a recipient of public services or a vendor.

- Complaints will be investigated by the CDIO who can be reached at 784-4777. The CDIO office is located at City Hall, 36 Court Street, room 028. All allegations of harassment will be investigated. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. When necessary the Human Resources/Labor Relations Department may designate an alternate employee to investigate a complaint:
- When a city department receives a complaint it will be promptly forwarded to the CDIO. The investigation into the allegation will be completed 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. The investigation will include a private interview with the person filing the complaint, any witnesses, and the person alleged to have committed sexual harassment. When the investigation is completed, the city 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, the city will act promptly to eliminate the offending conduct, and where it is appropriate will impose disciplinary action.

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 the City of Springfield.

Any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. Generally retaliation is a negative action taken after an employee complains of sexual harassment, resists or opposes sexual harassment or participates in an investigation. While it is not possible to list all circumstances that may constitute retaliation, the following are some examples of retaliation:

- \*Demoting, terminating, or disciplining an employee without cause
- \* Reducing an employee's salary, bonuses, overtime opportunities, or other perks without cause
- \* Encouraging other staff to bully or harass an employee
- \*Providing other employees with misleading information about the situation
- \* Refusing to work with the employee about work related matters
- \*Speaking with the employee about the situation during the investigation (even to apologize)

### **IV. 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 government agencies set forth below. Using our complaint process does not

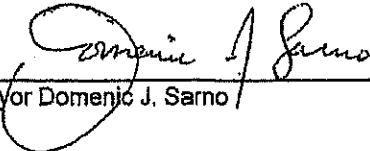
prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

- United States Equal Employment Opportunity Commission ("EEOC") JFK Federal Building 15 New Sudbury Street, Rm 475, Boston, MA 02203-0506 (800) 669-4000
- Massachusetts Commission Against Discrimination ("MCAD") :  
Boston Office: One Ashburton Place, Rm. 601, Boston, MA 02108, (617) 994-6000.  
Springfield Office: 436 Dwight Street, Rm.220, Springfield, MA 01103, (413) 739-2145.  
Worcester Office 484 Main Street, Worcester, MA 01608 (508) 453-9630

**V. Disciplinary Action**

If it is determined that an employee has engaged in inappropriate conduct, the city 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 deemed appropriate under the circumstances.

This policy is hereby approved.

  
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Mayor Domenic J. Sarno

6/14/22  
\_\_\_\_\_  
Date Approved



**City of Springfield  
Springfield, Massachusetts  
SEXUAL HARASSMENT POLICY**

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**Sexual Harassment Policy**

By signing below, I acknowledge that I have been referred to the City's website to review this policy. I have read, understand, and agree to abide by the provisions set forth in the City's Sexual Harassment Policy.

- Received during Orientation
- Received during Training Seminar
- Received as Department Handout

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

\_\_\_\_\_  
Department

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date