

Town of Kingston



DISCRIMINATORY HARASSMENT POLICY

I. Introduction

a. The Town of Kingston is proud of its tradition of a collegial work environment in which all individuals are treated with respect and dignity. Each individual has a right to work in a professional atmosphere, which promotes equal opportunities and prohibits discrimination practices.

The Town of Kingston is committed to providing a workplace that is free from discriminatory harassment. Employees are protected from harassment on the basis of their race, color, religion, national origin, ancestry, sex, age, handicap (disability), sexual orientation, gender identity, or active military or veteran status.

Employees also must not harass someone for opposing discrimination or for participating in the discrimination complaint process.

b. Sexual harassment is addressed separately in the Town of Kingston's Sexual Harassment Policy.

c. All Department employees, including but not limited to staff, supervisors, and senior officials, must comply with this policy. All employees are also expected to take appropriate measures to prevent discriminatory harassment. Employees who believe they are being harassed for one of the reasons listed above or who witness potential harassment are encouraged to report the offending conduct so that it can be stopped before it becomes severe or pervasive and rises to a possible violation of law.

II. Definition

a. Discriminatory harassment is verbal or physical conduct that denigrates or shows hostility toward an individual because of his or her race, color, gender, national origin, religion, age (40 or over), physical or mental disability, sexual orientation, or because of his or her opposition to discrimination or his or her participation in the discrimination complaint process. In general, harassment is against the law when it creates an intimidating, hostile, or offensive working environment, or when it interferes with an individual's work performance.

b. Some examples of conduct that might constitute harassment include:

- Racial epithets, "jokes," offensive or derogatory comments, or other verbal or physical conduct based on an individual's race/color
- Ethnic slurs, workplace graffiti, or other offensive conduct directed towards an individual's birthplace, ethnicity, culture, or foreign accent
- Verbal or physical abuse, "jokes" or offensive comments based on an individual's age, gender, disability, or sexual orientation

- Making, posting, e-mailing, or circulating demeaning or offensive pictures, cartoons or other materials in the workplace that relate to race, ethnic origin, gender or one of the other protected categories listed above, or using Town of Kingston equipment to circulate such materials

c. The harasser can be a supervisor, co-worker, other Town employee, or a non-employee who has a business relationship with the Town.

The Town's Responsibilities Under This Policy

a. If the Town receives an allegation of discriminatory harassment, or has reason to believe such harassment is occurring, it will take the steps necessary to ensure that the matter is promptly investigated and addressed. If the allegation is determined to be credible, the Town will take immediate and effective measures to end the unwelcome behavior. The Town is committed to taking action if it learns of possible discriminatory harassment, even if the individual does not wish to file a formal complaint.

b. The Human Resources Department is the main contact point for questions or concerns about discriminatory harassment. The Human Resources Department is responsible for investigating or overseeing investigations of alleged discriminatory harassment. The Human Resources Department is committed to ensuring that all investigations are conducted in a prompt, thorough, and impartial manner.

If you would like to file a complaint you may do so by contacting:

Tina Betti, Human Resources Manager

Town House, 26 Evergreen Street, Kingston MA 02364.

Telephone: (781) 831-6025

Email: TBetti@KINGSTONMA.GOV

c. Supervisors and other responsible Town officials who observe, are informed of, or reasonably suspect incidents of possible discriminatory harassment must immediately report such incidents to the Human Resources Manager, which will either initiate or oversee a prompt investigation. Failure to report such incidents to Human Resources will be considered a violation of this policy and may result in disciplinary action.

d. The Human Resources Department will provide guidance as needed on investigating and handling the potential harassment. Supervisors should take effective measures to ensure no further apparent or alleged harassment occur pending completion of an investigation.

e. The Town will seek to protect the identities of the alleged victim and harasser, except as reasonably necessary (for example, to complete an investigation successfully). The Town will also take the necessary steps to protect from retaliation those employees who in good faith report incidents of potential discriminatory harassment. It is a violation of both federal law and this policy to retaliate against someone who has reported unlawful harassment. Violators may be subject to discipline.

f. Employees who have been found by the Town to have discriminatorily harassed others may be subject to discipline or other appropriate management action. Discipline will be appropriate to the circumstances, ranging from a letter of reprimand to suspensions without pay to separation for cause. A verbal or written admonishment, while not considered formal discipline, may also be considered.

Employee's Rights and Responsibilities Under This Policy

- a. Any employee who believes he or she has been the target of discriminatory harassment is encouraged to inform the offending person orally or in writing that such conduct is unwelcome and offensive and must stop.
- b. If the employee does not wish to communicate directly with the offending person, or if such communication has been ineffective, the employee has multiple avenues for reporting allegations of discriminatory harassment and/or pursuing resolution.
- c. Employees are encouraged to report the unwelcome conduct as soon as possible to a supervisor.
- d. In addition to the above, if you believe you have been subjected to discriminatory harassment of any type, including 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 requires that claims be filed within 300 days from the alleged incident or when the complainant became aware of the incidents.

The United State Equal Employment Opportunity Commission ("EEOC")

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(800) 669-4000

The Massachusetts Commission Against Discrimination ("MCAD")

Email: mcad@mass.gov

Boston Office:
One Ashburton Place,
Sixth Floor, Room 601
Boston, MA 02108
(617) 994-6000

New Bedford Office:
800 Purchase Street, Room 501
New Bedford, MA 02740
(508) 990-2390

Springfield Office:
455 Main Street, Room 101
Springfield, MA 01103
(413) 739-2145

Worcester Office:
436 Dwight Street, Worcester City Hall
Second Floor, Room 220
Worcester, MA 01608
(508) 799-8010

*Adopted by Board of Selectmen 02-23-2016
Revised Oct 2019 for contact changes
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