

VII. APPENDIX A – SEXUAL HARASSMENT POLICY

It is the goal of MLS to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other setting in which employees may find themselves in connection with their employment is unlawful and 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.

Because MLS takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose as such corrective action as is necessary including disciplinary action where appropriate.

Please note that while 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 conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

A. DEFINITION OF SEXUAL HARASSMENT

“Sexual harassment” means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

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 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.

Under these definitions, 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 had the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliation to male or females 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 that if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness;

- 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, deficiency, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

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.

B. COMPLAINTS OF SEXUAL HARASSMENT

If any employee believes that he or she has been subjected to sexual harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting the Executive Director or the Executive Board President. These individuals are available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

C. SEXUAL HARASSMENT INVESTIGATION

When we receive a complaint of sexual harassment we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to attempt to maintain confidentiality to the extent consistent with a fair and full investigation and practicable under the circumstances. Our investigation will include private interviews with the person alleged to have committed sexual harassment, and possibly others. When we have completed our investigation, we 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, we will act promptly to eliminate the offending conduct, and where it is appropriate we may also impose disciplinary action.

D. DISCIPLINARY ACTION

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstance. Such action may range from a written reprimand to termination from employment, and may include such other forms of disciplinary action as MLS deems appropriate under the circumstances.

E. 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 compliant process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short period for filing a claim (EEOC – 300 days form the date of incident; MCAD 6 months).

The United States 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”)

Boston Office:
One Ashburton Place-Rm. 601
Boston, MA 02108
(617) 994-6000

Springfield Office:
424 Dwight Street, Rm. 220
Springfield, MA 01109
(413) 739-2145