



CITY OF LOWELL SEXUAL HARASSMENT POLICY (Last revised July 2024)

1. Introduction:

It is the policy of the City of Lowell to maintain a respectful and professional public service environment. All employees have the right to work in an environment, or in other settings in which employees may find themselves in connection with their employment, free from, sexual harassment. Employees are protected from harassment on the basis of their race, color, religious creed, national origin, sex, gender identity, sexual orientation, genetic information, pregnancy or pregnancy conditions, ancestry, veteran status, age (over 40), disability status, or military service. The city of Lowell will not tolerate, and strictly prohibits, sexual harassment by, or towards, any employee conducting business for the City of Lowell.

This policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment. This policy applies to all employees of the City including Mayor, City Manager, City Council, members of boards and commissions etc.

2. Definition of Sexual Harassment in the Workplace:

Sexual harassment, which is illegal, can consist of wide range of unwanted, conduct of a sexual nature, including not limited to sexual advances, request sexual favors, inappropriate touching, sexual jokes or gestures, or displaying sexually suggestive pictures or objects. Sexual harassment is defined as a type of sex harassment. However, the person being harassed or doing the harassing can be of any sex, gender, or sexual orientation. Also, conduct does not have to be motivated by sexual desire or attraction to qualify as sexual harassment.

(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. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment.

Types of Protected Class Harassment:

- Quid pro quo protected class harassment occurs whenever an employee is asked to tolerate discriminatory conduct to keep their job, get workplace benefits or opportunities, or avoid negative consequences. Usually, it involves requiring an employee to change or hide things about themselves related to their protected class. Such a condition can be clearly stated or hinted at.

- Hostile work environment protected class harassment occurs whenever discriminatory conduct based on an employee's membership in or association with a member of a protected class creates an intimidating, hostile, humiliating, or offensive work environment that makes it harder for an employee to do their job or fully participate in the workplace.

These definitions are broad and include any sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating or humiliating to any worker. 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 continues sexual harassment. Certain behaviors are not consistent with the City of Lowell's principles and values and are prohibited by this policy such as, but not limited to unwelcome sexual advances whether involving physical contact or not: requests for sexual favors in exchange for actual or promised job benefits, and/or assault or coerced sexual acts.

III. Examples of Sexual Harassment:

While it is not possible to list all those circumstances that may constitute sexual harassment, the following are some examples of conduct that may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct it's pervasiveness:

- Sexual epithets jokes, written or oral references to sexual conduct, gossip regarding's one's sex life:
- Inquiries into one's sexual experiences; discussion of one's sexual activities; sexual jokes or horse paly, offensive sexual flirtations, advances or propositions.
- The display of sexually suggestive objects, pictures or written materials.
- Gossip regarding one's sex life, using lewd nicknames, sexually suggestive facial expressions.
- Unwelcome leering, whistling, brushing against the body, suggestive or insulting comments.

Each employee is expected to conduct themselves in a respectful manner. Each employee is expected to cooperate in an investigation of a complaint of sexual harassment by proving any information they may have concerned the matter.

IV. Complaints of Sexual Harassment:

Any employee who feels they have been subjected to sexual harassment has a right to object to the behavior and file a complaint with the City either in writing or verbally. An employee wishing to file a complaint should contact Neil Osborne, Human Relations Director in the Office of Human Relations located in Lowell City Hall, Room 17, Basement level, or by phone at 978-674-4105. Complaints may also be reported to the City Manager in the City Manager's office, Lowell City Hall, 2nd floor or by telephone at 978-674-4000.

All employees should take special note that, as stated above, retaliation against any 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 Lowell.

V. Sexual Harassment Investigation:

When a complaint is received, the allegation will be promptly investigated 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 and with witnesses. We will also interview the person alleged to have committed sexual harassment. Each situation will be handled as directly as possible. The facts shall determine the resolution of the complaint.

If our investigation reveals that sexual harassment did occur, we will act promptly to eliminate the offending conduct, and where appropriate, impose disciplinary action. Such action may range from counseling to termination from employment and may include such other forms of disciplinary action as deemed appropriate under the circumstances. Once the investigation is complete, we will, to extent appropriate, inform the person who filed the complaint regarding the result of the investigation. The City Manager will be apprised of all sexual harassment complaints filed and subsequent investigation and outcome.

VI. Disciplinary Action:

Violations of the policy will be handled in a manner consistent with the City's disciplinary process up to and including suspension demotion, transfer, termination and may be subject to prosecution by local, state or federal authorities. Any reprisal or retaliation against an individual involved in any part of the complaint process is illegal will not be tolerated by the City of Lowell.

VII. Counseling Option:

The city encourages any employee who desires external counseling or assistance in regard to issues of sexual harassment or offensive behavior to utilize the services of the City's Employee Assistance Program, AllOne Health Resources at 1-800-451-1834.

VIII. STATE AND FEDERAL REMEDIES:

In addition to the above, you may file a formal complaint with either or both government agencies listed below if you believe you have been subjected to sexual harassment. Using the City's complaint process does not prohibit an employee from filing a complaint with these agencies. Each of these agencies has a short time period for filing a claim (EEOC-180days: MCAD-300Days)

UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ("EEOC")

Boston Area Office
15 New Sudbury St, Room 475
Boston, Ma 02203-0506
Phone: 1-800-669-4000

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION ("MCAD")

MCAD Boston
1 Ashburton Place, Suite 601,
Boston, MA 02108
Phone: 617-994-6000

MCAD Springfield
436 Dwight Street, Room 220,
Springfield, MA 01103
Phone: 413-739-2145

MCAD Worcester
18 Chestnut Street, Room 520,
Worcester, MA 01608
Phone: 508-453-9630

I trust that all employees of the City of Lowell will continue to behave responsibly and respectfully to establish professional working relationships and prevent discrimination in the workplace.



Thomas A. Golden Jr.
City Manager

Date 11/29/24

The City of Lowell reserves the right to amend, rescind or modify this policy.

Policy Revised: April 12, 1992; October 8, 1996; December 4, 1996; June 28, 2001; July 2006; December 9, 2010;
January 9, 2013; July 21, 2023; July 2024