



**CITY OF LOWELL**

**SEXUAL HARASSMENT POLICY**

(Last revised January 9, 2013)

*A policy against sexual harassment and offensive behavior in the workplace*

**I. 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, creed, religion, national origin, age, sex, ancestry, handicap, disability, participation in discrimination complaint-related activities, sexual orientation, gender identity, genetics, or active military or veteran status. 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.

**II. DEFINITION OF SEXUAL HARASSMENT:**

Sexual harassment, which is illegal, can consist of a wide range of unwanted and unwelcome sexually directed behavior. In Massachusetts, the legal definition for sexual harassment is this: "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or as a basis for employment decisions; or
- (b) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

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 work place 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 constitutes 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 and its pervasiveness:

- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment of an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Inquiries into one's sexual experiences; discussion of one's sexual activities; sexual jokes or horseplay, 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 providing any information they may have concerning 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 **Mary Callery, Human Relations Manager** in the Office of Human Relations located in Lowell City Hall, Room 17, Basement Level, 375 Merrimack Street, Lowell, MA 01852 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, 2<sup>nd</sup> 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 discreetly 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 the extent appropriate, inform the person who filed the complaint regarding the results 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 and 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, 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 - 180 days; MCAD - 300 Days)

**UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ("EEOC")**

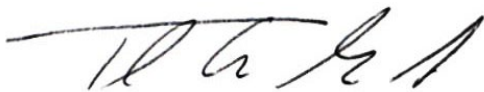
Boston Area Office  
One Congress Street, 10<sup>th</sup> Floor  
Boston, MA 02114  
617- 565-3200

**MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION ("MCAD")**

<http://www.mass.gov/MCAD/>  
Boston Office:  
One Ashburton Place, Room 601  
Boston, MA 02108  
617-727-3990

Springfield Office:  
424 Dwight Street, Room 220  
Springfield, MA 01103  
413-739-2145

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

July 21, 2023  
Date

*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