

Barnstable County
HARASSMENT OF INDIVIDUALS IN PROTECTED
CLASSES: POLICY AND PROCEDURES

I. Policy

A. Introduction

Barnstable County (the “County”) depends upon a work environment of tolerance and respect for the achievement of its goals. The County is committed to providing a working environment that is free of all forms of abuse, harassment, or discrimination. The County recognizes the right of all employees to be treated with respect and dignity.

Harassment on the basis of race, religion, creed, color, national origin, sex/gender, gender identity, age, physical or mental disability, sexual orientation, criminal record (inquires only), ancestry, retaliation, sexual harassment or genetic information (hereafter referred to as “protected class harassment”) is a form of behavior that adversely affects the employment relationship. It is prohibited by federal and/or state law. Protected class harassment of individuals occurring in the workplace or in other settings in which individuals of the County may find themselves in connection with their employment is unlawful and will not be tolerated by the County. The County also condemns and prohibits protected class harassment by any applicant, client, vendor or visitor.

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

It is important to note that while this policy sets forth our goals of promoting a workplace that is free of protected class 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 protected class harassment.

B. Definition of Protected Class Harassment

Protected class harassment refers to behavior, which is not welcomed by the employee, which is personally offensive to him or her, and which undermines morale and/or interferes with the ability of the employee to work effectively. While it is not possible to list all of the circumstances that may constitute protected class harassment, depending upon the totality of the facts, including the severity of the conduct and its pervasiveness, following is a list of situations that could constitute protected class harassment. The list of situations is non-exhaustive:

- verbal abuse on the basis of any protected status;
- use of words that degrade a protected class or person because of his/her protected class status;

- jokes or language about a protected class;
- obscene or suggestive gestures or sounds intended to relate to the protected class;
- teasing related to the protected class;
- verbal comments of a nature about an individual’s appearance or terms used to describe an individual that are related to the individual’s protected class;
- verbal abuse, comments, jokes, teasing or threats directed at a person because of

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- his/her protected class status;
- posting or distributing objects, pictures, cartoons or other materials degrading to the protected class or a person because of his/her protected class status;
 - letters or notes that degrade the protected class or a person because of his/her protected class status;
 - sending offensive or discriminatory messages or materials through the use of electronic communications (e.g., electronic mail, including the Internet, voice mail and facsimile) which are degrading to the protected class or a person because of his/her protected class status;
 - condoning harassment on the basis of protected class.

Harassment on the basis of protected class status is not limited to behavior by a non-member of the protected class. Protected class harassment can occur in a variety of circumstances. Here are some things to remember:

- The harasser does not have to be the victim's supervisor;
- A member of the protected class may be victimized by another member of the protected class;
- The victim does not have to be the person at whom the unwelcome protected class harassment is directed. The victim may be someone who is affected by the harassing conduct, even when it is directed toward another person, if the conduct creates an intimidating, hostile, or offensive working environment for the co-worker or interferes with the co-worker's work performance.

Individual Responsibilities

Each individual of the County is personally responsible for:

- ensuring that his/her conduct does not harass any other employee or person with whom the employee comes in contact on the job, such as an outside vendor;
- cooperating in any investigation of alleged protected class harassment by providing any information he/she possesses concerning the matter being investigated;
- actively participating in efforts to prevent and eliminate protected class harassment and to maintain a working environment free from such discrimination; and
- ensuring that an employee who files a protected class harassment claim or cooperates in an investigation may do so without fear of retaliation or reprisal.

C. The Rule

It is, therefore, against the policy of the County for any individual, whether a member of a protected class or not, whether an employee or supervisor, to harass another individual on the basis of protected class status by:

- making submission to such conduct is made either implicitly or explicitly a term or condition of an employee's employment;
- making submission to, or rejection of, such conduct by an individual is made the basis for employment decisions affecting the employee;
- intending to or having the effect of interfering with an individual's work performance; or
- by creating a hostile or intimidating work environment for the employee.

It is also against the policy of the County for an individual to harass any person with whom

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the employee comes in contact on the job or to engage in any protected class harassment or inappropriate or unprofessional conduct in the workplace.

D. Retaliation

Retaliation against an individual for filing a complaint of protected class harassment or discrimination, or against any individual for assisting another file a complaint of protected class harassment or discrimination, or for cooperating in an investigation of a protected class harassment or discrimination complaint, is against the law, and will not be tolerated by the County.

II. Violation of Policy

Any individual violating this policy will be subject to disciplinary action, up to and including immediate discharge.

III. Procedures for Complaints

A. Complaint

The County has designated Human Resources Director to address any complaints by mail at 3195 Main Street, Barnstable, MA 02630 or by calling (508) 375-6646.

If any individual believes he or she has been subjected to harassment on the basis of his/her protected class, the individual should initiate a complaint by contacting the Human Resources Director. The individual should file the complaint promptly following any incident of protected class harassment. The individual will be asked to write out his or her complaint to document the charge.

If an employee prefers to discuss a possible protected class harassment problem with his or her supervisor, the employee may always do so, but employees do not have to go through the regular chain of supervision when reporting protected class harassment and may go directly to Human Resources.

B. Investigation

On receiving the complaint, it will promptly be investigated. This process will be confidential to the extent consistent with an effective investigation, subject to the business needs of the County.

C. Decision

After the response of the charged individual has been made, and any further investigation that may be warranted has been carried out, the County will make a final decision. If the County finds that the allegations in the complaint have been established by the investigation, the County will initiate discipline of the charged individual. Discipline will be appropriate to the offense and employees involved, and may include discharge.

IV. State and Federal Agencies

The Massachusetts Commission Against Discrimination (“MCAD”), located at One Ashburton Place, Boston, MA 02108, and 436 Dwight Street, Springfield, MA 01103, is responsible for enforcing the Massachusetts discrimination and protected class harassment law. The U.S.

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Equal Employment Opportunity Commission (“EEOC”), located at JFK Federal Office Building, Government Center, Room 475, Boston, MA 02203, is responsible for enforcing the federal law prohibiting protected class harassment. The MCAD and EEOC may be contacted at the above addresses. A complaint to the MCAD or EEOC may be filed within 300 days of the last date of discrimination.

Adopted by the Board of County Commissioners on December 7, 2016.

V. Acknowledgment of Receipt of Policy

ACKNOWLEDGMENT OF RECEIPT

I, _____, an employee at _____, hereby

PRINT NAME

PRINT DEPARTMENT

acknowledge receipt of this Protected Classes Harassment Policy from the County, and I have read
its _____ contents.

Signature

(date)