

**SEXUAL HARASSMENT POLICY OF  
UNITED WAY OF GREATER FALL RIVER, INC.**

**Adopted by the Board of Directors – February 21, 1997**

**Confirmed by the Board of Directors – March 16, 2018**

**INTRODUCTION**

It is the goal of the United Way of Greater Fall River, Inc. (“UWGFR”) to promote a workplace that is free of sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by this organization. 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 UWGFR 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 that conduct and impose 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 workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

**DEFINITION OF SEXUAL HARASSMENT**

In Massachusetts, the legal definition for sexual harassment is this: “sexual harassment” means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly as 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.

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 has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female 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 which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness.

- Unwelcome 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, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome 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.

The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. The complainant, regardless of gender, may be a witness to and personally offended by such conduct. The harasser may be anyone, including a supervisor, a co-worker, or a non-employee, such as a recipient of public services or a vendor.

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 by this organization.

### **COMPLAINTS OF SEXUAL HARASSMENT**

If any of our employees 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 Chief Professional Officer, Chairman of the Board, Chair - Finance Committee, or the Chair - Personnel Committee. These contacts are also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

### **SEXUAL HARASSMENT INVESTIGATION**

When we receive the complaint, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practical under the circumstances. Our 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. 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 will also impose disciplinary action.

### **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 circumstances. Such action may range from counseling to termination of employment and may include such other forms of disciplinary action as deemed appropriate under the circumstances.

### **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 complaint

process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC – 300 days; MCAD – 300 days).

1. The United States Equal Employment Opportunity Commission (“EEOC”)

John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203 1-800-669-4000

2. The Massachusetts Commission Against Discrimination (“MCAD”)

Boston Office:  
McCormack Building  
One Ashburton Place – Room 601  
Boston, MA 02108 (617) 994-6000

New Bedford Office:  
128 Union Street  
New Bedford, MA 02740 (413) 739-2145

**STAFF TRAINING/ORIENTATION**

An important component of a comprehensive Sexual Harassment Policy is staff training.

It is the policy of the United Way to review the Sexual Harassment Policy on an annual basis with all employees, as part of their annual performance evaluation.

All new employees will receive a copy of the policy, along with an overview of the policy by the Chief Professional Officer or his representative, as part of the orientation process.

In addition, on a periodic basis, a full training session on the issue of sexual harassment will be conducted for all employees.

**EMPLOYEE ACKNOWLEDGEMENT**

By signing below, I acknowledge that I have read, understand, and agree to abide by the provisions set forth in the Sexual Harassment Policy of United Way of Greater Fall, Inc.

\_\_\_\_\_

Print Name

\_\_\_\_\_

Signature

\_\_\_\_\_

Date