



Harassment Policies

Sexual Harassment Policy

**SEXUAL HARASSMENT POLICY
OF GREATER BOSTON LEGAL SERVICES**

I. INTRODUCTION

It is the goal of Greater Boston Legal Services (GBLS) to promote a workplace that is free of sexual harassment. Sexual harassment of employees 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 cooperating with an investigation of a sexual harassment complaint, is similarly unlawful and will not be tolerated.

Because GBLS 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 such corrective action as is necessary, including disciplinary action under the applicable bargaining agreement or other employment contract.

This policy covers harassment of employees occurring in the workplace or in other settings where GBLS personnel may be in connection with their employment, including but not limited to work assignments outside the office, business trips, court appearances, business related social events or GBLS sponsored social events. It also covers all staff of GBLS, regardless of position and whether full-time or part-time, compensated or volunteer and clients, vendors or invited guests. *(GBLS has a separate policy covering prohibiting discriminatory acts and more general forms of harassment. Please refer to the Anti-Discrimination and Anti-Harassment Policy of Greater Boston Legal Services.)*

II. 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 a term or condition of employment or as a basis for employment decisions affecting such individual; 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.

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 also constitutes sexual harassment.

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Harassment can take many forms and the legal definition is broad. 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 constitute as sexual harassment.

The following are some examples of conduct that could violate this policy:

- 1) Slurs, jokes, statements, remarks, questions, gestures, that are sexually suggestive;
- 2) Display in the workplace of sexually suggestive objects, posters, photographs, cartoons, drawings or pictures;
- 3) Sexual epithets, jokes, written or oral references to sexual conduct, gossip or inquiry regarding one's sex life; comment on an individual's body, graphic verbal commentary or inquiry about or comment on an individual's sexual activity, deficiencies, or prowess.
- 4) Offensive or unwelcome sexual flirtations, advances, invitations, jokes or propositions;
- 5) Leering, whistling, touching, pinching, brushing against the body, leaning over, assault, coerced sexual acts or blocking normal movements;

This list is not meant to be all inclusive and is merely offered as an illustration of behavior which could constitute sexual harassment. The determination of what conduct or circumstances may constitute sexual harassment depends upon the totality of the circumstances including the severity of the conduct and its pervasiveness.

III. COMPLAINTS OF SEXUAL HARASSMENT

If any employee believes that he or she has been subjected to sexual harassment, the employee has a right to bring a complaint. This may be done orally or in writing. Any person having information or belief that another employee has been subjected to sexual harassment may also bring a complaint; however, any manager who has information or belief that a person has been subjected to sexual harassment shall bring a complaint.

All employees who believe they have experienced harassment should report their concerns immediately. GBLS respects every individual's privacy and will maintain confidentiality to the extent possible. In this regard, be advised that members of GBLS management have a duty to investigate any oral or written complaints made to them by employees so GBLS may act promptly to eliminate any improper conduct and maintain a harassment-free environment in its workplace or in other settings where GBLS personnel may be in connection with their employment. Managers should inform employees that information of this nature may not be kept confidential.

Complaints of sexual harassment should be brought to the attention of the GBLS Director of Human Resources, who has been specifically designated by GBLS to receive such complaints. She is also responsible for providing information generally about the sexual harassment policy and the complaint process. She can be reached in Administration at 617-6031608. Anyone who feels more comfortable raising these issues with their unit manager or the

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Affirmative Action Officer may present claims to these persons who in turn will notify the Director of Human Resources, an associate director or the Deputy Director. Complaints concerning the Director of Human Resources should be brought to the attention of Deputy Director Jacquelynne Bowman, (617) 603- 1602, or Executive Director Robert Sable, (617) 603-1612.

IV INFORMAL RESOLUTION

Once a complaint has been brought, the person investigating the complaint will assess whether it is appropriate to resolve the issue through informal discussion with the consent of all parties involved. The time of the investigation may be tolled for up to ten business days to allow the AA Compliance Officer to mediate the dispute. If an informal resolution is not reached within ten business days, the investigation of the complaint shall proceed as detailed below.

V. SEXUAL HARASSMENT INVESTIGATION

All claims of sexual harassment will be investigated promptly. The investigation will be conducted in such a manner as to maintain confidentiality to the extent practicable under the circumstances. The Director of Human Resources will direct the investigation unless the complaint concerns the Director of Human Resources in which case the Deputy Director or the Deputy Director's qualified designee will direct the investigation. In the event that the Director of Human Resources is not available to conduct the investigation, the Director of Human Resources may designate the Deputy Director, an Associate Director or the Affirmative Action Officer to conduct the investigation. The investigation will include private interviews with the person filing the complaint and the person alleged to have committed sexual harassment. The investigator will also interview any witnesses identified by either party and gather any physical evidence, e.g. notes and e-mails. No employee will suffer retaliation or intimidation as a result of using or participating in the internal complaint procedure, including by making a complaint or cooperating with an investigation.

The complainant and the person alleged to have violated this policy shall, to the extent appropriate, be informed of the results of the investigation. If the investigator determines that inappropriate conduct has occurred, GBLS will act promptly to eliminate the offending conduct and take additional corrective action, as appropriate, including disciplinary action prescribed under Article 16A of the Collective Bargaining Agreement between GBLS and the GBLSAU, under Article IX of the Collective Bargaining Agreement between GBLS and GBLSSA or any other employment contract which may cover the employee engaged in inappropriate conduct. Subject to the rights of employees under collective bargaining agreements, GBLS may choose to include other forms of disciplinary action necessary under the circumstances ranging from counseling to the immediate termination of any employee found upon investigation to have sexually harassed any other employee. A violation of this policy may be deemed a violation of the disciplinary sections of the collective bargaining agreement or other employment contract governing the particular employee if the standards in the disciplinary policy are otherwise met.

Either party may seek a review of the decision made by the investigator. The review must be requested in writing and submitted to the Executive Director within ten business days of the date of the decision of the investigator. The Executive Director will examine any information collected. The Executive Director will determine whether the evidence is sufficient to support the finding within five business days of the request for review. If the evidence is insufficient, the Executive Director may require a further investigation. The decision of the Executive Director is final, subject only to any right the employee may have under a collective bargaining agreement.

VI. 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; nor do you need to exhaust all rights under this procedure. Each of these agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days). Using the GBLs complaint process may not stop (toll) the time periods for filing complaints with the EEOC or the MCAD.

1. The United States Equal Employment Opportunity Commission (“EEOC”) One Congress Street, 10th Floor Boston, MA 02114, 617-565-3200
2. The Massachusetts Commission Against Discrimination (“MCAD”) Boston Office: One Ashburton Place, Rm. 601, Boston, MA 02108, (617-727-3990).

**Anti-Discrimination
and Anti-Harassment
Policy**

ANTI-DISCRIMINATION AND ANTI -HARASSMENT POLICY OF GREATER BOSTON LEGAL SERVICES

1. INTRODUCTION

It is the goal of Greater Boston Legal Services (GBLS) to promote a work environment that respects diversity, fosters equal employment opportunity and is free from discrimination and harassment based upon race, ethnicity, color, gender, age, religion, national origin, sexual orientation, gender identity, handicap, marital status, veteran status or any other legally protected status. All decisions affecting employment at GBLS (including, without limitation, hiring, training, assignment, performance reviews, rate of pay or other compensation, promotion, demotion, transfer, discipline, layoff and termination) shall be made without discriminating against any person on the basis of any such legally protected status. Consistent with this commitment, and consistent with federal and Massachusetts law, GBLS will not tolerate discriminatory or harassing conduct of any individual. Further, any retaliation against an individual who has complained about discrimination or harassment, or retaliation against individuals cooperating with an investigation of a discrimination or harassment complaint, is unlawful and will not be tolerated.

Because GBLS takes allegations of discrimination and harassment seriously, we will respond promptly to complaints of discrimination and harassment. Where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action under the applicable bargaining agreement or other employment contract.

This policy covers discrimination against or the harassment of employees occurring in the workplace or in other settings where GBLS personnel may be in connection with their employment, including but not limited to work assignments outside the office, business trips, court appearances, business related social events or GBLS sponsored social events. It also covers all staff of GBLS, regardless of position and whether full-time or part-time, compensated or volunteer and clients vendors or invited guests. *GBLS has a separate policy which provides similar relief for people who believe that they are or have been subjected to sexual harassment. Please refer to the Sexual Harassment Policy of Greater Boston Legal Services.*

II. DEFINITIONS

Discrimination against or harassment of an individual, when based upon a legally protected status, violates this Policy when:

- (1) Such conduct affects or forms the basis of an employment decision, except that, in the case of employment decisions regarding a person with a handicap, employment decisions may take into account whether that individual is qualified and capable of performing the essential functions of the position with reasonable accommodations and without creating undue hardship to GBLS; or

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

Discrimination and harassment can take many forms. The following are examples of conduct that could violate this Policy:

- (1) Limiting opportunities to work on certain projects or for certain employees on the basis of race, sex, age, religion, national origin, marital status, handicap, sexual orientation or any other legally protected status;
- (2) Slurs, jokes, statements, remarks, questions, gestures, pictures or cartoons regarding race, sex, age, religion, national origin, marital status, handicap, sexual orientation or any other legally protected status that are derogatory or demeaning to an individual's or group's characteristics or that promote stereotypes;

Please refer also to the Sexual Harassment Policy of Greater Boston Legal Services for additional examples of behavior which may violate policies of GBLS.

III. COMPLAINTS OF DISCRIMINATION OR HARASSMENT

If any employee believes that he or she has been subjected to discrimination or harassment, the employee has a right to bring a complaint. This may be done orally or in writing. Any person having information or belief that another employee has been subjected to discrimination or harassment may also bring a complaint; however, any manager who has information or belief that a person has been subjected to discrimination or harassment shall bring a complaint.

All employees who believe they have experienced discrimination or harassment should report their concerns immediately. GBLS respects every individual's privacy and will maintain confidentiality to the extent possible. In this regard be advised, that members of GBLS management have a duty to investigate any oral or written complaints made to them by employees so GBLS may act promptly to eliminate any improper conduct and maintain a harassment-free environment in its workplace or in other settings where GBLS personnel may be in connection with their employment. Managers should inform employees that information of this nature may not be kept confidential.

All complaints of discrimination or harassment should be brought to the attention of the GBLS Director of Human Resources, who has been specifically designated by GBLS to receive such complaints. She is also responsible for providing information generally about the discrimination and harassment policy as well as the complaint process. She can be reached in Administration at 617-603-1608. Anyone who feels more comfortable raising these issues with their unit manager or the Affirmative Action Officer may present claims to these persons who in turn will notify the Director of Human Resources, an associate director or the Deputy Director. Complaints concerning the Director of Human Resources should be brought to the attention of Deputy Director Jacquelynne Bowman, (617) 603- 1602, or Executive Director Robert Sable, (617) 603-1612.

IV. INFORMAL RESOLUTION

Once a complaint has been brought, the person investigating the complaint will assess whether it is appropriate to resolve the issue through informal discussion with the consent of all parties involved. If appropriate the time of the investigation may be tolled for up to ten business days to allow the AA Compliance Officer to mediate the dispute. If an informal resolution is not reached within ten business days, the investigation of the complaint shall proceed as detailed below.

V. INVESTIGATION OF COMPLAINTS

All claims of discrimination or harassment will be investigated promptly. The investigation will be conducted in such a manner as to maintain confidentiality to the extent practicable under the circumstances. The Director of Human Resources will direct the investigation unless the complaint concerns the Director of Human Resources in which case the Deputy Director or the Deputy Director's qualified designee will direct the investigation. In the event that the Director of Human Resources is not available to conduct the investigation, The Director of Human Resources may designate the Deputy Director, an Associate Director or the Affirmative Action Officer to conduct the investigation. The investigation will include private interviews with the person filing the complaint and the person alleged to have committed harassment or discrimination. The investigator will also interview any witnesses identified by either party and gather any physical evidence e.g. notes and e-mails. No employee will suffer retaliation or intimidation as a result of using or participating in the internal complaint procedure, including by making a complaint or cooperating with an investigation.

The complainant and the person alleged to have violated this policy shall, to the extent appropriate, be informed of the results of the investigation. If the investigator determines that inappropriate conduct has occurred, GBLS will act promptly to eliminate the offending conduct and take additional corrective action, as appropriate, including disciplinary action prescribed under Article 16A of the Collective Bargaining Agreement between GBLS and the GBLSAU, under Article IX of the Collective Bargaining Agreement between GBLS and GBLSSA or any other employment contract which may cover the employee engaged in inappropriate conduct. Subject to the rights of employees under collective bargaining agreements, GBLS may choose to include other forms of disciplinary action necessary under the circumstances ranging from

counseling to the immediate termination of any employee found upon investigation to have harassed any other employee. A violation of this policy may be deemed a violation of the disciplinary sections of the collective bargaining agreement or other employment contract governing the particular employee if the standards in the disciplinary policy are otherwise met.

Either party may seek a review of the decision made by the investigator. The review must be requested in writing and submitted to the Executive Director within ten business days of the date of the decision of the investigator. The Executive Director will examine any information collected. The Executive Director will determine whether the evidence is sufficient to support the finding within five business days of the request for review. If the evidence is insufficient, the Executive Director may require a further investigation. The decision of the Executive Director is final, subject only to any right the employee may have under a collective bargaining agreement.

VI. STATE AND FEDERAL REMEDIES

In addition to the above, if you believe you have been subjected to discrimination or harassment on the basis of age, color, ethnicity, religion, gender, national origin, race or sexual orientation, 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; nor do you need to exhaust all rights under this procedure. Each of these agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days). Using the GBLs complaint process may not stop (toll) the time periods for filing complaints with the EEOC or the MCAD.

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