



## MEDFIELD POLICE DEPARTMENT

**POLICY NO. 4.02**

# HARASSMENT

MASSACHUSETTS POLICE ACCREDITATION  
STANDARDS  
REFERENCED: 26.1.3

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ISSUING AUTHORITY:

Michelle Guerette  
Chief of Police

## I. GUIDELINES

It is the goal of the Medfield Police Department to promote a workplace that is free of discriminatory harassment (“harassment”) of any type, including sexual harassment. Discriminatory harassment consists of unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law, such as gender, race, color, national origin, ancestry, religion, age, disability, genetics, military status, sexual orientation, or participation in discrimination complaint-related activities (retaliation). The Department will not tolerate harassing conduct that affects employment conditions, that interferes unreasonably with an individual’s performance, or that creates an intimidating, hostile, or offensive work environment.

An employee who is unwilling to make a complaint to the Town’s Human Resources Director or other official may file a complaint directly with the MCAD or EEOC. These agencies may investigate the situation and may or may not issue a complaint.

United States Equal Employment Opportunity Commission (EEOC)  
John F. Kennedy Federal Building  
Government Center

Room 475  
Boston, MA 02203  
(617) 565-3200

Massachusetts Commission Against Discrimination (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

Worcester Office:

22 Front Street, 5<sup>th</sup> Floor, P.O. Box 8038, Worcester, MA 01641  
(508) 799-6379

## II. POLICY

Harassment of employees occurring in the workplace, in connection with work-related travel, and/or work-sponsored events will not be tolerated. Further, any retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated.

Because the department takes allegations of harassment seriously, we will respond promptly to complaints of harassment. Where it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the 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 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 harassment.

## II. DEFINITIONS

A. “Harassment” means unwelcome conduct, whether verbal or physical, that is based on a characteristic protected by law. Harassment includes, but is not limited to:

1. Display or circulation of written materials or pictures that are degrading to a person or group as previously described.
2. Verbal abuse, slurs, derogatory comments, or insults about, directed at, or made in the presence of an individual or group as previously described.

B. "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. 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.

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.

Sexual harassment in the workplace is unlawful; the definition of sexual harassment is broad. In addition to the above examples, other unwelcome sexually oriented conduct, whether intended or not, that has the effect of creating a work environment that is hostile, offensive, intimidating or humiliating to either 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,

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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.

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 department.

### **III. PROCEDURES**

- A. The Chief of Police is responsible for disseminating this policy to employees under his/her supervision; informing employees that harassment is prohibited conduct which will not be tolerated or condoned and that disciplinary will be taken against any person who engages in any form of harassment; advising employees of their right to complain to the Town's Human Resources Director, the Massachusetts Commission Against Discrimination (MCAD) and the U.S. Equal Employment Opportunity Commission (EEOC); informing employees that it is advisable to report, in a timely manner, conduct which the employee believes to be harassment; and assisting the employee in the complaint resolution process.
- B. Each employee is personally responsible for ensuring that his/her conduct does not harass any employee, applicant for employment, or other individual in the workplace; cooperating in any investigation of a report or complaint of alleged harassment; and cooperating with the Department's efforts to maintain a working environment free from such unlawful discrimination.

### **IV. COMPLAINT PROCESS**

All employees, managers, and supervisors of the town share responsibility for avoiding, discouraging and reporting any form of discriminatory harassment. The primary responsibility for ensuring proper investigation and resolution of harassment complaints rests with the Town Administrator.

If any of our employees believe that he/she has been subjected to discriminatory harassment, the employee has the right to file a complaint with the department. This may be done in writing or orally. In addition, residents, visitors, applicants, vendors, contractors, their agents and employees, or other third parties who believe they have been subjected to discriminatory harassment may also file a complaint with the department using the procedures described herein. Furthermore, employees may also file a complaint if they have been subjected to harassment from residents, visitors, applicants, vendors, contractors, their agents and employees, or any other third parties in the workplace, while performing work-related duties, or during other work-related activities.

Prompt reporting of harassment is in the best interest of the department and is essential to a fair, timely, and thorough investigation. Accordingly, complaints should be filed as soon as possible following the incident(s) at issue. If you would like to file a complaint you may do so by contacting a supervisor or superior officer of the department. In the event that the harasser is the complainant's immediate superior the complainant may report the violation to an alternative person. Alternative persons to contact include the Town Administrator, Assistant Town Administrator, MCAD or the United States EEOC.

## V. SANCTIONS

- A. 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 from employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.
- B. Retaliation against an individual that has complained about sexual harassment or has cooperated with an investigation of a sexual harassment complaint is such a serious violation of this policy and the law that disciplinary action, most likely discharge, will be taken.

## IV. CONSIDERATIONS

- A. Sexual harassment is not, by definition, limited to prohibited conduct by a male employee toward a female employee or by a supervisory employee to a subordinate employee. The Town's view of sexual harassment includes, but is not limited to the following considerations.
  - 1. A man as well as a woman may be the victim of sexual harassment, and a woman may be the harasser;
  - 2. The harasser does not have to be the victim's supervisor. The harasser may be a supervisory employee who does not supervise the victim, a co-worker or even a non-employee, such as a board member;
  - 3. The victim does not have to be of the opposite sex from the harasser;
  - 4. The victim does not have to be the person at whom the unwelcome sexual conduct is directed. The victim may be someone who is affected by such conduct when it is directed toward another person. The sexual harassment of one employee may create an intimidating, hostile, or offensive working environment for another employees, or may unreasonably interfere with the co-worker's performance;
  - 5. Sexual harassment does not depend on the victim's having suffered a concrete economic injury as a result of the harasser's conduct. Improper sexual advances which do not result in the loss of a promotion by the victim, or the discharge of the victim, nonetheless constitute sexual harassment by unreasonably interfering with the victim's work or by creating a hostile or offensive work environment.