

<b>Policy Name:</b> III.11 EEO Statement and Non-Harassment Policy	<b>Section:</b> III Human Resources	<b>Programs:</b> All
	<b>Standard/Area:</b> F 4 Workforce Development and Management	<b>Review Date:</b> 8.20.25
<b>File:</b> Employee Portal Human Resources Policies III. 11 EEO Statement and Non-Harassment Policy	<b>Effective Date:</b> 8/25 (added from Employee Handbook)	<b>Revision Date:</b>

## Section I: EEO Statement

MVCS is committed to the principles of equal employment. We are committed to complying with all federal, state, and local laws providing equal employment opportunities, and all other employment laws and regulations. It is our intent to maintain a work environment which is free of harassment, discrimination, or retaliation because of sex, creed, race, religion, color, national origin, ancestry, pregnancy, disability, handicap, genetic information, marital status, age, sexual orientation, gender identity/expression, military obligations, veteran status, or any other status or category protected by federal, state, or local laws (“Protected class status”). MVCS is dedicated to the fulfillment of this policy in regard to all aspects of employment, including but not limited to recruiting, hiring, placement, transfer, training, promotion, rates of pay, and other compensation, termination, and all other terms, conditions, and privileges of employment.

MVCS will conduct a prompt and thorough investigation of all allegations of discrimination, harassment, or retaliation, or any violation of the Equal Employment Opportunity Policy in a confidential manner. MVCS will take appropriate corrective action, if and where warranted. MVCS prohibits retaliation against any employee who provides information about, complains, or assists in the investigation of any complaint of discrimination or violation of the Equal Employment Opportunity Policy.

**We are all responsible for upholding the Equal Employment Opportunity Policy and any claimed violations of that policy should be brought to the attention of your supervisor and/or Human Resources, VP of Human Resources is the EEO Officer.**

## Section II: Policy

It is MVCS’s goal to promote a workplace that is free of harassment from all categories protected by law including race, color, religion, creed, national origin, sex, age, ancestry, sexual orientation, genetics, pregnancy, marital status, gender identity/expression, disability, handicap, military obligations, veteran status, and participation in discrimination complaint-related activities or any other category protected by law (“Protected class status”). 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. Further, any retaliation against an individual who has brought up a concern regarding harassment or retaliation against individuals for cooperating with an investigation of a harassment concern is similarly unlawful and will not be tolerated.

While this policy sets forth MVCS's goals of promoting a workplace that is free of harassment, the policy is not designed or intended to limit the Agency's authority to discipline or take remedial action for workplace conduct which the Agency deems unacceptable, regardless of whether that conduct satisfies the definition of sexual, discriminatory, or other harassment.

## Section III: Procedures

### *Definition of Harassment*

The Massachusetts Commission Against Discrimination (MCAD) defines unlawful workplace harassment as based on a person's membership in a protected class or their association with members of a protected class.

There are two main types of harassment:

1. *Quid Pro Quo Harassment*: This involves tolerating certain conduct as a condition of employment to gain benefits or avoid negative actions. An example is being offered a promotion in exchange for submitting to unwelcome sexual advances.
2. *Hostile Work Environment Harassment*: This is unwelcome conduct severe or pervasive enough to create an intimidating, hostile, humiliating, or offensive workplace based on an employee's actual or perceived protected class. It interferes with work performance.

### *Protected classes in Massachusetts*

Massachusetts law prohibits harassment and discrimination based on numerous protected classes, including but not limited to race, color, national origin, religious creed, sex, sexual orientation, gender identity/expression, age (40+), disability, and military status.

### *Key elements of harassment*

Unlawful harassment must be both subjectively offensive to the victim and objectively offensive to a reasonable person in the same situation. Harassment can be verbal (including slurs, jokes, insults, epithets, gestures or teasing), visual (including offensive images, symbols, drawings, text messages, social media posts, computer displays or e-mails) or physical conduct and can occur in-person or remotely, during or outside work hours.

### *Definition of Sexual Harassment*

In Massachusetts, the legal definition for sexual harassment is:

- "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:
  - 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; or,

- 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 circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment:

- Unwelcome sexual advances – whether they involve physical touching or not
- Sexual nicknames, jokes, written or oral references to sexual conduct
- Comments on an individual's body or an individual's sexual activity
- Displaying or distributing sexually suggestive objects or pictures
- Unwelcome leering, whistling, touching, sexual gestures, suggestive or insulting comments
- Discussion of one's sexual activities and

Dissemination in the workplace of sexually explicit voice mail, e-mail, graphics, downloaded material or websites.

### *Reporting Concerns of Harassment*

If any employee believes that they have been subjected to harassment, or witnessed harassment, they should promptly report their concerns in writing or verbally by following this escalation sequence: 1) Immediate Supervisor 2) Program Director 3) The CEO and 5) Chairman of the MVCS Board of Directors. Employees should also contact Human Resources upon initial concern and throughout the escalation sequence. Human Resources can be reached at [hrsupport@mvcommunityservices.org](mailto:hrsupport@mvcommunityservices.org). Human Resources is also available to discuss any concerns employees may have and to provide information about the Agency's policy on harassment and reporting process. **(refer to III.29 Problem Solving Procedure for Employees for alternate reporting if subject is implicated i.e. one of the individuals you would report your concern to is the harasser)**

### *Harassment Investigation*

The Agency will promptly investigate harassment allegations 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 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.



Results of the investigation are recorded in the confidential section of the personnel files of the parties involved.

#### *No Tolerance Retaliation*

Retaliation against an individual who has brought up a concern about harassment and retaliation against individuals for cooperating with an investigation of a harassment complaint is unlawful and will not be tolerated by MVCS.

#### *Disciplinary Action*

If it is determined that inappropriate conduct has occurred, the Agency will take action deemed appropriate under the circumstances. Such action may range from counseling to termination from employment and may include other forms of disciplinary action as appropriate.

#### *State and Federal Remedies*

In addition to reporting concerns to the Agency, if employees believe they have been subjected to unlawful harassment, they may file a formal complaint with the government agencies set forth below. Using MVCS's complaint process does not prohibit them from filing a complaint with these agencies.

- The United States Equal Employment Opportunity Commission (EEOC) <https://www.eeoc.gov/filing-charge-discrimination>
- The Massachusetts Commission Against Discrimination (MCAD) <https://www.mass.gov/how-to/how-to-file-a-complaint-of-discrimination>

#### (1) The United States Equal Employment Opportunity Commission ("EEOC")

##### Boston Area Office:

John F. Kennedy Federal Building  
15 New Sudbury Street, Room 475  
Boston, MA 02203-0506  
Phone: (1-800) 669-4000  
Fax: (617) 565-3196  
TTY: (1-800) 669-6820  
ASL Video Phone: (844) 234-5122  
Email: [info@eeoc.gov](mailto:info@eeoc.gov)  
Website: <https://www.eeoc.gov/field-office/boston/location>

#### (2) The Massachusetts Commission Against Discrimination ("MCAD")

##### Boston Office:

One Ashburton Place, Room 601  
Boston, MA 02108  
Phone: (617) 994-6000  
Fax: (617) 994-6024  
TTY: (617) 994-6196  
MCAD Email: [mcad@mass.gov](mailto:mcad@mass.gov)  
MCAD Website: <https://www.mass.gov/how-to/how-to-file-a-complaint-of-discrimination>

## **Section IV: Distribution and Training**

This Policy and associated attachments are distributed on the MVCS Employee Portal. Notifications related to new, amended, or reviewed policies will be communicated to MVCS leadership and program directors for dissemination to their staff as appropriate. The policy may be directly disseminated to appropriate staff and/or staff groups via email notification after initial dissemination to leadership as per direction of the CEO or designee. The dissemination will be performed by the Chief Operating Officer or designee.

## **Section V: Legal, Regulatory, Accrediting, and Other Related References and Resources**

II. 5 MVCS Code of Conduct

III.29 Problem Solving Procedure for Employees

MCAD (Massachusetts Commission Against Discrimination)

United States Equal Employment Opportunity Commission (EEOC)