



CITY OF BOSTON

IN THE YEAR TWO THOUSAND AND EIGHTEEN

Order of Councilors Zakim and Pressley

Discrimination, Harassment, and Retaliation Policy for City Council Employees

Be It Ordered:

Policy Statement

The Boston City Council (the Council) is committed to providing a safe environment for all employees and visitors. In accordance with the City of Boston's policy, as well as state and federal law, the Council will operate a zero tolerance policy for any form of discrimination (based on sex, race, color, national origin/ethnicity, religion, disability, sexual orientation, age, gender identity or veteran status), harassment, or retaliation.

All complaints of harassment will be taken seriously and treated with respect. To the degree possible, confidentiality will be maintained for informal and formal complaints. The Council will not tolerate any form of retaliation against a person making a complaint or for cooperating in the investigative procedure of such a complaint.

This policy applies to all persons employed by the Boston City Council, including Councilmembers, staff, volunteers, and interns, collectively referred to as "employees" herein.

Definition of Sexual Harassment, Harassment, and Discrimination

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

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of the individual's employment, or as the basis for employment decisions.

Additionally, harassment, including but not limited to sexual harassment, or discrimination based on sex, race, color, national origin/ethnicity, religion, disability, sexual orientation, age, gender identity or veteran status occurs when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or offensive work environment.

Harassment and/or discrimination is prohibited whether it takes place in or outside of Boston City Hall, including at social events, off-site meetings, or through email, social media and other electronic means.

Please refer to the City of Boston's Harassment Policy for further definitions and examples of unlawful harassment.

A copy of the City of Boston's Harassment Policy can be provided upon request, or can be accessed through the employee HUB at: www.boston.gov/sites/default/files/document-file-05-2018/harassment_policy_2017.pdf

Notification

Employees may notify the Staff Director regarding any incident that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating or humiliating to an employee, regardless of the perpetrator's intentions.

In the event that a complaint cannot be brought to the attention of the Staff Director, because they themselves are at fault for the incident or unavailable, employees should directly notify the City of Boston Human Resources Department by contacting HR Director, Vivian Leonard (617-635-4698) or Jennifer Wexler (617-635-3375).

Complaints Procedures

Upon receiving a complaint of harassment, the Staff Director will:

- Immediately record the dates, times and facts of the incident(s)
- Ascertain the views of the person filing the complaint as to what outcome he/she wants
- Ensure that the person filing the complaint understands the Council and the City of Boston's procedures for dealing with the complaint
- Discuss and agree to the next steps: either an informal or a formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the person filing the complaint from pursuing a formal complaint keep a confidential record of all discussions
- Respect the choice(s) of the person filing a complaint

Informal Complaints Mechanism

If an employee wishes to deal with a harassment complaint informally, the Staff Director will:

- Provide an opportunity to the person alleged to have committed the misconduct to respond to the complaint privately
- Ensure that the person alleged to have committed the misconduct understands the complaints mechanism

- Ensure confidentiality is kept should the person filing the complaint choose to not make their identity known. In this instance, the Staff Director will strive to keep the discussion sufficiently broad to protect the complainant's identity.
- If the person filing the complaint is comfortable disclosing their identity, facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or contact Jennifer Wexler in Human Resources at 617-635-3375 to schedule an informal mediated procedure
- Ensure that a confidential record is kept of what happens
- Ensure that the above is done in a prompt manner, within no more than 2 business days of the complaint being made
- Follow up within 30 days after the outcome of the complaints mechanism to ensure that the behavior has ended
- Notify the Office of Human Resources of the informal complaints procedure and outcome within 2 business days of concluding the complaints procedures

Formal Complaints Mechanism

If an employee wants to make a formal complaint, or if the informal complaint mechanism has not led to a satisfactory outcome for the employee, the formal complaint mechanism should be used to resolve the matter.

The Staff Director will refer the matter to the Office of Human Resources, at which point the City of Boston will promptly begin an investigative procedure as outlined in the City of Boston's Harassment Policy.

Any employee of the Council who is found after an investigation to have harassed and/or discriminated against another in the workplace **will be subject to disciplinary action up to and including termination.**

Outside Complaints Mechanism

A person who has been subject to sexual harassment can also make a complaint outside of the City of Boston. At any time, Council employees may file a complaint through State or Federal agencies or courts empowered to enforce anti-harassment, anti-discrimination, and anti-retaliation laws.

STATE

Massachusetts Commission Against Discrimination (MCAD)

One Ashburton Place

Boston, MA 02108

617-994-6000

within 300 days from date of violation

FEDERAL

United States Equal Employment Opportunity Commission (EEOC)

JFK Federal Building, Room 601

475 Government Center

Boston, MA 02203

617-565-3200
within 300 days from date of violation

Confidentiality and Privacy

While the Council cannot guarantee complete confidentiality given the nature of the investigatory process, to the extent possible, the Council will respect and protect the privacy and confidentiality of any employee involved in the filing of a complaint and/or its investigation. However, employees should be advised that the issue of confidentiality will be balanced against the Council's legal obligation to investigate and to take appropriate remedial action.

Implementation

It is the responsibility of the Staff Director and each Chief of Staff to ensure that all employees who report to them are aware of this policy.

Each Council office will ensure that a copy of this policy is provided to all of its employees on or before an employee's date of hire, and will retain a signed record of acknowledgment that all staff members have read and understand the policy. The Staff Director will ensure the same is done for all Central Staff employees.

New Staff information sessions hosted by Central Staff shall include information on this policy.

Training

The Staff Director and Council President will work together with the Massachusetts Commission Against Discrimination (MCAD) to schedule annual trainings on Preventing and Addressing Sexual Harassment in the Workplace.

- Trainings will be mandatory for all Council staff and strongly encouraged for interns and volunteers.
- If a staff member misses a training, the Staff Director and Council President will determine an acceptable action plan to ensure that all staff understand the information presented in the training.

Guidelines for Review of Sexual Harassment Policy

The Council's Committee on Civil Rights, or a similar committee, shall conduct an annual review of this policy to ensure that the standards and protocols listed in this policy are in compliance, up-to-date, and in line with its mission to ensure a safe working environment for all employees and visitors.