

BEST PRACTICES

Code of Conduct Policy

FOR TOWN ELECTED AND APPOINTED OFFICIALS

I. PURPOSE

The Town of Paxton recognizes that all individuals elected and/or appointed by the Town of Paxton must maintain and enforce respectful discourse with their fellow elected and/or appointed members, with those who work for the Town of Paxton, those who volunteer their time and services on behalf of the Town of Paxton and members of the public by striving at every meeting, forum or other official interaction to treat every person fairly and with respect regardless of any differences of opinion.

This policy provides a centralized standard of conduct for all elected and appointed officials in the Town of Paxton.

II. APPLICABILITY

This policy and all its sections shall apply to all elected and appointed officials acting on behalf of the Town of Paxton and covers all of their actions and communications whether spoken or written including but not limited to all electronic communications including social media.

III. CODE OF CONDUCT

All Town of Paxton elected and appointed officials are expected to act honestly, conscientiously, reasonably and in good faith at all times having regard to their responsibilities, the interests of the Town of Paxton and the welfare of its residents.

The Town of Paxton elected and appointed officials must refrain from communicating or acting in a disrespectful, abusive and/or threatening manner towards members of the community, other elected or appointed officials, the Town Administrator or Town Staff.

Moreover, all elected and appointed officials must fully comply with the Town's Anti-Harassment and Anti-Discrimination Policy.

Further, all elected and appointed officials of the Town of Paxton must assume the following responsibilities:

A. Conduct Generally and in Relation to the Community

- Be well informed concerning the local and state duties of a board/committee member.
- Never purport to represent the opinion of your board/committee except when specifically authorized by a recorded vote to do so.
- Accept your position as a means of unselfish public service, not to benefit personally, professionally, or financially from your board/committee position.
- Recognize that the chief function of local government at all times is to serve the best interests of all of the people.
- Demonstrate respect for the public that you serve.
- Safeguard confidential information.
- Conduct yourself so as to maintain public confidence in our local government.
- Conduct official business in such a manner that you cannot be improperly influenced in the performance of your official duties.
- Unless specifically exempted, conduct the business of the public in a manner that promotes open and transparent government.
- Comply as fully as possible with all Town policies, including, without limitation, the following:
 - Anti-harassment and Anti-discrimination Policy
- Comply as fully as possible with all applicable laws, including, without limitation, the following:
 - The Open Meeting Law
 - Procurement Laws
 - The Ethics/Conflict of Interest Statute (G.L. c.268A).

B. Conduct in Relation to other Elected and Appointed Officials

- Treat all members of the board/committee to which you belong with respect despite differences of opinion; keeping in mind that professional respect does not preclude honest differences of opinion but requires respect within those differences.
- Participate and interact in official meetings with dignity and decorum fitting those who hold a position of public trust.

- Recognize your responsibility to attend all meetings to assure a quorum and promptly notify the chairman should you for any reason be unable or unwilling to continue to serve. Formal notice to resign from a board/committee requires written notification to the Town Clerk.
- Recognize that action at official legal meetings is binding and that you alone cannot bind the board/committee outside of such meetings.
- Refrain from making statements or promises as to how you will vote on quasi-judicial matters that will come before the board/committee until you have had an opportunity to hear the pros and cons of the issue during a public meeting.
- Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- Make decisions only after all facts on a question have been presented and discussed.

C. Conduct in Relation to the Town Administrator

- Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- Give the Town Administrator full responsibility for discharging his or her disposition and/ or solutions.
- Refrain from giving orders or directions to the Town Administrator for action as an individual board/committee member.
- Refrain from providing information to the Town Administrator that you would not be willing to share with other board/committee members.

D. Conduct in Relation to Town Staff

- Treat all staff as professionals and respect the abilities, experience, and dignity of each individual.
- Refrain from giving instructions to or requesting assistance from Town staff but rather channel all such activities through the Town Administrator.
- Never publicly criticize an individual employee or a department. Concerns about staff performance should only be made to the Town Administrator through private communication.
- Officials who interact with Town staff must do so in a respectful manner and understand employees should not be expected to take direction from any individual official on any matter.

IV. DISTRIBUTION AND EDUCATION

- The Town Clerk shall provide a copy of this policy, the Town's Non-Harassment and Sexual Harassment policy to all elected and appointed officials upon its issuance and upon the subsequent appointment or re-appointment of any individual.
- Each individual shall sign a statement that they have read this policy and will comply with all requirements set forth in this policy. In the event that any member declines to sign the form, that fact shall be noted by the Town Clerk on the form.

V. ENFORCEMENT

A. Generally

In addition to any other remedies or enforcement options available under the law, each board/committee may vote to censure any elected member and the appointing authority may decline to reappoint an individual who violates any provision of this Code of Conduct.

If any elected or appointed official is accused of violating the Town's Non-Harassment and Sexual Harassment Policy, the Town Administrator shall refer the matter for investigation to the contact named in the Non-harassment and Sexual Harrassment policy or a disinterested outside firm or individual qualified to investigate the alleged conduct. The Town Administrator shall not be obliged to obtain any additional authority; this Code shall be sufficient authority. The firm or individual to whom the matter is referred shall promptly investigate the matter and report back findings of fact and recommendations to the Town Administrator. The Town Administrator shall share the reported findings and recommendations with the elected official's board/ committee. The board/committee shall then take such action as is authorized by law and as it deems fit in response to the matter.

If an elected or appointed official is accused of violating any other provision of this Code of Conduct, the board/committee that the official represents or if applicable the appointing authority may take such action as is authorized by law and as it deems fit or it may vote upon request of the Town Administrator or on its own to refer the matter to a disinterested outside firm or individual qualified to investigate the alleged conduct. This firm or individual shall promptly investigate the matter and report back findings of fact and recommendations to the Town Administrator. The Town Administrator shall share the reported findings and recommendations with the board/committee. The board/committee shall then take such action as is authorized by law and as it deems fit in response to the matter. These remedies shall be in addition to, and not in substitution for, any other remedies that may be available by law.

SEXUAL HARASSMENT POLICY & PROCEDURES

The Town of Paxton (the "Town") depends upon a work environment of tolerance and respect for the achievement of its goals. The Town is committed to providing a working environment that is free from all forms of abuse or harassment. The Town recognizes the right of all employees to be treated with respect and dignity and prohibits harassment of any sort.

Sexual harassment is a form of behavior that adversely affects the employment relationship. State and Federal law prohibit such behavior. Sexual harassment of individuals occurring in the workplace or in other settings in which individuals of the Town may find themselves in connection with their employment is unlawful and will not be tolerated by the Town. The Town also condemns and prohibits sexual or other harassment by any applicant, client, vendor or visitor.

Because the Town takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and, 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, including discharge.

It is important to 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:

Sexual harassment does not refer to purely voluntary social activities. It refers to behavior, which is not welcomed by the other person, which is personally offensive to him or her, and which undermines morale and/or interferes with the employee's ability to work effectively. While it is not possible to list all of the circumstances that may constitute sexual harassment, following is a list of situations that could constitute sexual harassment:

- verbal remarks of a sexual nature, use of sexually suggestive or degrading words, jokes of a sexual nature;
- conversation or gossip with sexual overtones; inquiries into one's sexual experiences; discussion of one's sexual activities; verbal comments of a sexual nature about an individual's appearance or sexual terms used to describe an individual;

- comments, threats or jokes directed at a person because of his/her sexual preference.
- obscene or suggestive gestures or sounds; Staring at parts of a person's body;
- demands or requests for sexual favors accompanied by implied or overt promises of preferential treatment or threats concerning an individual's employment, pay, appraisal, advancement or any other employment status.
- continuing to express sexual interest after being informed that the interest is not welcomed; Unwelcome and repeated invitations (for lunch, dinner, drinks, dates, sexual relations).
- physical contact such as touching, hugging, kissing, stroking, fondling, patting, pinching or repeated brushing against another's body; Deliberate bumping, cornering, mauling, grabbing.
- assaults, molestation or coerced sexual acts.
- posting or distributing sexually suggestive pictures, calendars or other materials, or in any other way creating an uncomfortable or hostile work environment.
- sexually-oriented letters or notes.
- sending offensive or discriminatory messages or materials through the use of electronic communications (e.g., e-mail, including the internet, voice mail and facsimile); and
- condoning sexual harassment.

Both men and women can be the victims of sexual harassment. Both men and women can be the harasser. Sexual harassment can occur between members of the same sex, as well as members of the opposite sex. Victims of sexual harassment are not always the subjects of the unwelcome behavior. The victim may be someone who is affected by harassing behavior, even when directed toward another person, if that behavior creates a hostile, intimidating or offensive working environment or interferes with that person's ability to effectively perform their work.

Individual Responsibilities:

Each employee of the Town is personally responsible for:

- ensuring that his/her conduct does not sexually harass any other employee or person with whom the employee comes in contact on the job, such as an outside vendor;

- cooperating in any investigation of alleged sexual harassment by providing any information he/she possesses concerning the matter being investigated;
- actively participating in efforts to prevent and eliminate sexual harassment and to maintain a working environment free from discrimination ; and
- ensuring that an employee who files a sexual harassment claim or who cooperates in an investigation may do so without fear of reprisal or retaliation.

The Rule:

It is, therefore, against the policy of the Town for any individual, male or female, to harass another individual sexually, that is, by making unwelcome sexual advances, requests for sexual favors or other uninvited verbal or physical conduct of a sexual nature when:

- a. submission to such conduct is made either implicitly or explicitly a term or condition of employment;
- b. submission to, or rejection of, such conduct is made the basis for employment decisions;
- c. such conduct has the purpose or effect of interfering with an individual's work performance;
- d. a hostile or intimidating work environment is created for any employee;
- e. such conduct has the purpose or effect of interfering with an individual's work performance.

It is also against the policy of the Town for an individual to sexually harass any person with whom the employee comes in contact on the job or to engage in any harassment or inappropriate or unprofessional conduct in the workplace.

Retaliation:

Retaliation against an individual for filing a complaint of sexual harassment or for cooperating in an investigation of a sexual harassment complaint is against the law.

Violation of Policy:

Any individual violating this policy will be subject to appropriate discipline, including possible discharge.

NON-HARASSMENT POLICY

Harassment of individuals in protected classes:

POLICY:

A. **Introduction.** The Town of Paxton (the "Town") depends upon a work environment of tolerance and respect for the achievement of its goals. The Town is committed to providing a working environment that is free from all forms of abuse or harassment. The Town recognizes the right of all employees to be treated with respect and dignity and prohibits harassment of any sort.

Harassment on the basis of race, creed, color, religion, national origin, age, physical or mental disability, or sexual orientation (hereafter referred to as "protected class harassment") is a form of behavior that adversely affects the employment relationship. State and Federal laws prohibit such behavior. Protected class harassment of individuals occurring in the workplace or in other settings in which individuals of the Town may find themselves in connection with their employment is unlawful and will not be tolerated by the Town. The Town also condemns and prohibits protected class or other harassment by any applicant, client, vendor or visitor.

Because the Town takes allegations of protected class harassment seriously, we will respond promptly to complaints and 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, including discharge.

It is important to note that while this policy sets forth our goals of promoting a workplace that is free of protected class 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 protected class harassment.

B. **Definition of Protected Class Harassment.**

Protected class harassment refers to behavior, which is not welcomed by the other person, which is personally offensive to him or her, and which undermines morale and/or interferes with the employee's ability to work effectively. While it is not possible to list all of the circumstances that may constitute protected class harassment, following is a list of situations that could constitute protected class harassment:

- verbal abuse on the basis of any protected status; use of words that degrade a protected class or person because of his/her protected class status;

- jokes or language about a protected class; teasing related to the protected class; obscene or suggestive gestures or sounds intended to relate to the protected class;
- verbal comments about an individual's appearance or terms used to describe an individual that are related to a protected class;
- threats directed at a person because of his/her protected class status;
- posting or distributing objects, pictures, calendars, cartoons or other materials degrading to the protected class or a person because of his/her protected class status;
- letters or notes that degrade the protected class or a person because of his/her protected class status;
- sending offensive or discriminatory messages or materials through the use of electronic communications (e.g., email, internet, social media, text, voice mail and facsimile) which are degrading to the protected class or a person because of his/her protected class status; and
- condoning harassment on the basis of protected class.

Harassment on the basis of protected class status is not limited to behavior by a non-member of the protected class. Protected class harassment can occur in a variety of circumstances. Here are some things to remember:

- The harasser does not have to be the victim's supervisor;
- A member of the protected class may be victimized by another member of the protected class.
- The victim does not have to be the person at whom the unwelcome protected class harassment is directed. The victim may be someone who is affected by the harassing conduct, even when it is directed toward another person; if the conduct creates an intimidating, hostile or offensive working environment for the co-worker or interferes with the co-worker's work performance.

Individual Responsibilities:

Each employee of the Town is personally responsible for:

- ensuring that his/her conduct does not harass any other employee or person with whom the employee comes in contact on the job, such as an outside vendor;

cooperating in any investigation of alleged protected class harassment by providing any information he/she possesses concerning the matter being investigated;

- actively participating in efforts to prevent and eliminate protected class harassment and to maintain a working environment free from discrimination ; and
- ensuring that an employee who files a protected class harassment claim or who cooperates in an investigation may do so without fear of reprisal or retaliation.

The Rule:

It is, therefore, against the policy of the Town for any employee, whether a member of a protected class or not, to harass another employee on the basis of protected class status by:

- a. making submission to such conduct either implicitly or explicitly a term or condition of employment;
- b. making submission to, or rejection of, such conduct the basis for employment decisions;
- c. intending to or having the effect of interfering with an individual's work performance; or
- d. creating a hostile or intimidating work environment for any employee.

It is also against the policy of the Town for an employee to harass any person with whom the employee comes into contact on the job or to engage in any harassment or inappropriate or unprofessional conduct in the workplace.

Retaliation:

Retaliation against an employee for filing a complaint of protected class harassment or for cooperating in an investigation of a protected class harassment complaint is against the law.

Violation of Policy:

Any employee violating this policy will be subject to appropriate discipline, including possible discharge.

Procedure for Complaints:

The Town Administrator is the designated a Harassment Grievance Officer.

If you believe you have been subject to harassment, it is your responsibility to report the incident to your supervisor or the Harassment Grievance Officer. You should initiate your complaint as soon as possible following any incident of alleged harassment. An investigation of the alleged harassment will be conducted and, if warranted, appropriate corrective action taken. Corrective action may range from counseling to termination of employment; however no disciplinary action will be taken without a thorough investigation. If you prefer to discuss a possible protected class harassment problem with your supervisor, you may always do so, but you are not required to go through the regular chain of supervision when reporting protected class harassment and may go directly to the Grievance Officer.

Investigation: The investigation of any harassment complaint may include interviews with the individual making the complaint, the person or persons accused of harassment, all persons having direct knowledge of the events leading to the complaint, and any potential witnesses. All information regarding the investigation, including identities of all involved, will be kept as confidential as possible.

Decision: At the conclusion of the investigation, the Town will make a final decision. If the investigation reveals that the complaint is factual, appropriate corrective action will be taken to prevent the harassment from occurring again. Corrective action will be appropriate to the offense and the employees involved, and may include discipline up to and including discharge. In any case, particularly in situations where the facts are inconclusive or unclear, the Town will ensure that all parties are reacquainted with its policy prohibiting harassment in the workplace.

The complainant will be notified of the disposition of the investigation.

STATE & FEDERAL AGENCIES:

The Massachusetts Commission Against Discrimination (MCAD), One Ashburton Place, Boston, MA, 436 Dwight Street, Springfield, MA and 22 Front Street, 5th Floor, Worcester, MA, is responsible for enforcing the Massachusetts discrimination and protected class harassment law. The U.S. Equal Employment Opportunity Commission (EEOC), located at JFK Federal Office Building, Government Center, Room 475, Boston, MA, is responsible for enforcing the federal law prohibiting protected class harassment. A complaint to the MCAD must be filed within six months. A complaint under federal law should be filed within 180 days, but under certain circumstances a federal complaint may be filed within 300 days.

RECEIPT AND ACKNOWLEDGEMENT

I have received and read a copy of the Town of Paxton's Code of Conduct Policy (approved by the Selectboard on 6/7/2021), and I understand that I am responsible for following the personnel policies and practices described within it.

I have received and read copies of the Sexual Harassment Policy and the Non-Harassment Policy and agree not to engage in any form of harassment described in these policies.

Print Name: _____

Signature: _____

Date: _____