

Equal Employment and Equal Housing Opportunity

The Billerica Housing Authority is committed to Equal Employment Opportunity and Equal Housing Opportunity. We will not discriminate against employees, applicants for employment, applicants for tenancy or tenants on any legally-recognized basis [“protected class”] including, but not limited to: veteran status, uniform service member status, race, color, religion, sex, sexual orientation, gender identity, national origin, age, physical or mental disability, marital status, genetic information or any other protected class under federal, state, or local law.

In Massachusetts, the following are a protected class: race, color, religious creed, national origin, sex, pregnancy, sexual orientation, ancestry, age [over 40], veteran status, genetic information, handicap, admission to a mental facility, and military membership.

You may discuss Equal Employment Opportunity and/or Equal Housing Opportunity related questions with the Executive Director.

Americans with Disabilities Act

The Billerica Housing Authority is committed to providing Equal Employment Opportunity and Equal Housing Opportunity to qualified individuals with disabilities. This may include providing reasonable accommodation where appropriate in order for an otherwise qualified individual to perform the essential functions of the job or for tenancy. It is your responsibility to notify the Executive Director of the need for accommodation. Upon doing so, the Executive Director may ask you for your input or the type of accommodation you believe may be necessary or the functional limitations caused by your disability. Also, when appropriate, we may need your permission to obtain additional information from your physician or other medical or rehabilitation professionals.

Non-Harassment

We prohibit harassment of one employee or tenant by another employee or tenant, supervisor or third party for any reason [“protected class”] including, but not limited to veteran status, uniform service member status, race, color, religion, sex, sexual orientation, gender identity, national origin, age, physical or mental disability, marital status, genetic information or any other protected class under federal, state, or local law.

In Massachusetts, the following are a protected class: race, color, religious creed, national origin, sex, pregnancy, sexual orientation, ancestry, age [over 40], veteran status, genetic information, handicap, admission to a mental facility, and military membership.

The purpose of this policy is not to regulate the personal morality of employees or tenants. It is to ensure that in the Billerica Housing Authority, no employee or tenant harasses another for any reason or in any manner. The conduct prohibited by this policy includes conduct in any form including but not limited to e-mail, voice mail, chat rooms, Internet use or history, text messages, pictures, images, writings, words or gestures.

While it is not easy to define precisely what harassment is, it includes: slurs, epithets, threats, derogatory comments or visual depictions, unwelcome jokes and teasing.

Any employee or tenant who believes that (s)he has been harassed should report the situation immediately to the Executive Director of the Billerica Housing Authority.

Sexual Harassment

Any type of sexual harassment is against Billerica Housing Authority policy and may be unlawful. Harassment of third parties by our employees or tenants is also prohibited. The purpose of this policy is not to regulate the morality of employees. It is to ensure that in the Billerica Housing Authority, no employee or tenant is subject to sexual harassment.

Sexual harassment of any kind will not be tolerated. Violations of this policy may result, for employees, in disciplinary action up to and including discharge. For tenants, it may result in action up to and including termination (eviction) of the tenant's lease. Retaliation against an individual who has reported or complained about sexual harassment and retaliation against individuals who cooperate in an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Billerica Housing Authority.

In Massachusetts, the legal definition for sexual harassment includes: "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, as a basis for employment decisions, or a basis for tenancy or condition of tenancy; or
- b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance or tenancy by creating an intimidating, hostile, humiliating or sexually offensive environment.

Under these definitions, direct or implied requests for sexual favors in exchange for actual or promised benefits constitutes sexual harassment.

The legal definition of sexual harassment is broad and includes other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating or humiliating to male or female workers or tenants may also constitute sexual harassment. This may include the dissemination of sexually explicit voice mail, e-mail, graphics, downloaded material or websites. The conduct prohibited by this policy includes conduct in any form including but not limited to e-mail, voice mail, chat rooms, Internet use or history, text messages, pictures, images, writings, words or gestures.

While it is not easy to define precisely what sexual harassment is, it includes:

1. Unwelcome sexual advances;
2. Requests for sexual favors;
3. Verbal or physical conduct of a sexual nature when submission to that conduct is made either explicitly or implicitly as a condition of employment or tenancy;
4. Verbal or physical conduct of a sexual nature when submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions or tenancy decisions affecting that individual;
5. Verbal or physical conduct of a sexual nature that has the effect of interfering with an individual's work performance or tenancy or creating an intimidating, hostile or offensive environment.

Examples of sexual harassment include, but are not limited to: sexually-related drawings, pictures, jokes, teasing, uninvited touching or other sexually-related comments.

Any employee or tenant who believes that (s)he is a victim of sexual harassment should immediately report such actions in accordance with the following procedure. All complaints will be promptly and thoroughly investigated.

1. Any employee who believes that (s)he is a victim of sexual harassment or has been retaliated against for complaining of sexual harassment, should report the situation immediately to the Executive Director of the Billerica Housing Authority. If an employee or tenant makes a report to the Executive Director and the Executive Director either does not respond or does not respond in a manner the employee/tenant deems satisfactory or consistent with this policy, the employee/tenant is required to report the situation to one of the Commissioners of the Billerica Housing Authority.
2. The Billerica Housing Authority will investigate every reported incident. Any employee or tenant who has been found to have violated this policy may be subject to disciplinary action, up to and including immediate discharge or lease termination.

3. The Billerica Housing Authority will conduct all investigations in a discreet manner. We recognize that every investigation requires a determination based on all the facts in the matter. We also recognize the serious impact a false accusation may have. We trust that all employees and tenants will continue to act responsibly.
4. The reporting employee/tenant and any employee/tenant participating in any investigation under this policy have the Billerica Housing Authority's assurance that no reprisals will be taken as a result of a sexual harassment complaint made in good faith. It is our policy to encourage discussion of the matter, to help protect others from being subjected to similar inappropriate behavior.

We strongly encourage our employees to file a complaint of sexual harassment using the above complaint procedure. However, using our internal complaint process does not prohibit you from contacting one of the following agencies:

- Massachusetts Commission Against Discrimination Boston Office: One Ashburton Place, Room 601, Boston, MA 02108-1518, (617) 994-6000 (voice), (617) 994-6196 (TTY). Springfield Office: 436 Dwight Street, Room 220, Springfield, MA 01103, (413) 739-2145.
- Equal Employment Opportunity Commission, John F. Kennedy Federal Building, Government Center, 4th Floor, Room 475, Boston, MA 02203, (617) 565-3200 (voice), (617) 565-3204 (TTY). Complaints must be filed within 300 days of the adverse action.
- Office of the Attorney General, Commonwealth of Massachusetts, One Ashburton Place, Boston, MA 02108-1518 , (617) 727-2200

Revised: 3/1/17