

Wachusett Anti-Harassment Policy

I. INTRODUCTION

It is the goal of Wachusett Mountain Ski Area to promote a workplace that is free of all forms of illegal harassment, including sexual harassment. Illegal 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 by this organization. Further, any retaliation against an individual who has complained about unlawful harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from unlawful harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which appropriate conduct will be dealt with, if encountered by employees.

Because Wachusett Mountain Ski Area takes allegations of unlawful harassment seriously, we will respond promptly to complaints of sexual or other prohibited harassment: and where it is determined that such 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.

In addition to sexual harassment, Wachusett Mountain Ski Area prohibits any harassment based on a protected category. Such categories include race, age, sex, disability, color, national origin, religion, ancestry, sexual orientation, the results of genetic testing, service in the military, gender identity, and any other protected category protected under state law. Harassment that is prohibited under this policy includes derogatory statements or other offensive treatment, whether physical, verbal, written, or otherwise, that is based on or because of an individual's membership in any of the above protected classes and that is severe and pervasive enough to alter the terms and conditions of an employee's workplace.

Please note that while this policy sets forth our goals of promoting a workplace that is free of unlawful 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 or other prohibited harassment.

II. DEFINITION OF SEXUAL HRASSMENT

In Massachusetts the legal definition for sexual harassment is this:

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 term or condition of employment or as a basis for employment decisions: or
- (b) 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 of 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 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, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, 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 organization.

III. COMPLAINTS OF UNLAWFUL HARASSMENT

If any of our employees believes that he or she has been subjected to sexual or other prohibited harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally to any member of management.

If you would like to file a complaint, you may do so by contacting Molly Buckley, Director of Human Resources, Wachusett Mountain Associates, 499 Mountain Road, Princeton, Ma 01541, and 978-464-3120. Molly Buckley is also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process.

IV. INVESTIGATION INTO UNLAWFUL HARASSMENT

When we receive the complaint, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable 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 the unlawful harassment. When we have completed our investigation, we will inform, to the extent appropriate, the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action.

V. DISCIPLINARY ACTION

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 of employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

VI. STATE AND FEDERAL REMEDIES

In addition to the above, if you believe you have been subjected to sexual or other unlawful harassment, you may file a formal complaint with either or both of the following government agencies set forth below. Using our compliant process does not prohibit you from filing a complaint with these agencies. Each of these agencies has a short time period for filing claims:

EEOC – 300 days, MCAD – 300 days:

1. The United States Equal Employment Opportunity Commission (“EEOC”)

John F. Kennedy Federal Building
475 Government Center
Boston, MA 02114
(617) 565-3200

2. The Massachusetts Commission Against Discrimination (“MCAD”)

Boston Office: One Ashburton Place – Room 220
Boston, Massachusetts 02108
(617) 727-3990

Springfield Office: 436 Dwight Street – Room 220
Springfield, Massachusetts 01103
(413) 739-2145

Worcester Office: Worcester City Hall
455 Main Street, Room 101

3. Connecticut Commission on Human Rights and Opportunities

21 Grant Street
Hartford, CT 06106
(860) 566-4895

4. New Hampshire Commission For Human Rights

2 Chenell Drive
Concord, NH 03301
(603) 271-2767

5. Rhode Island Commission For Human Rights

180 Westminster Street, 3rd Floor,

Providence, RI 02903
(401) 222-2661

6. New York State Division of Human Rights

One Fordham Plaza, 4th Floor
New York, NY 10458
(718) 741-8400

7. Georgia Human Relations Commission

Peachtree Street NE, Suite 207
Atlanta, GA 30303
(404) 656-6046