

**New England Electric Railway Historical Society**  
**POLICIES AND PROCEDURES**

**Classification  
Administrative**

**Number  
2.03**

**SUBJECT: NEERHS Harassment Policy**

**Page: 1 of 8**

**Issue Date: March 25, 1995**

**Revision Date: April 9, 2011**

**Revision: B**

**A. Purpose:**

This purpose of this harassment policy is to ensure that the officers, volunteers, and employees of the New England Electric Railway Historical Society, its subsidiaries, the Seashore Trolley Museum, The National Streetcar Museum at Lowell, and any other subsidiary, carry out their duties in an atmosphere free of personal harassment.

It is unlawful employment discrimination for any employer to fail or refuse to hire or otherwise discriminate against any applicant for employment because of race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, or because of those reasons, to discharge an employee, or because of those reasons to discriminate with respect to hire, tenure, promotion, transfer, compensation, terms, conditions or privileges of employment or any other matter directly or indirectly related to employment.

Sexual harassment on the job is sex discrimination and it is illegal.

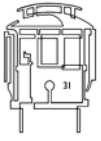
The Maine Human Rights Act prohibits discrimination and retaliation of employees, applicants, and contractors based on race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin. Sexual harassment regulations of the Maine Human Rights Commission are included in Annex A to this policy.

The New England Electric Railway Historical Society has long held a basic policy that states:

"Every person who is an employee or a volunteer of the New England Electric Railway Historical Society has a right to freedom from harassment in the workplace by the Society, an agent of the Society, or by another employee or volunteer because of race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin."

This basic tenant shall extend to all employees and volunteers of the New England Electric Railway Historical Society, hereinafter called the Society.

This policy is an expansion of the harassment policy in the second paragraph on page 2 of the Members' Code of Conduct., Policy 5.19-C.



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**B. Statement of Policy:**

It is the policy of the New England Electric Railway Historical Society, hereinafter referred to as the Society, that all volunteers and employees have a right to work in an environment that is free from discrimination and harassment, including sexual harassment, and that all volunteers and visitors have a right to participate in Society activities without being subject to harassment of any kind. The Society will not tolerate any sexual harassment of employees, volunteers, vendors, contractors, or visitors, and requires all employees and volunteers to inform the Society of any sexual harassment that has occurred. The Society will take necessary disciplinary action, up to and including discharge of an employee, termination of its relationship with a volunteer, or appropriate action against any other person on the Society's premises whose conduct is found to constitute sexual harassment.

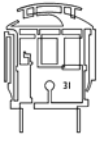
Any and all complaints are to be carried out in accordance with the internal complaint procedure as stated below.

It is unlawful for any member, volunteer, or employee to retaliate against any other member, volunteer, or employee who complains about sexual harassment. The Society will not engage in or tolerate any such retaliation. The Society has a zero-tolerance policy against such retaliation.

**C. Definitions:**

**1. Harassment:**

- a. Any comment or conduct by any employee, volunteer or officer of the organization towards any other employee, volunteer or officer of the organization which is intimidating, annoying, or malicious, including but not limited to any such comment or conduct related to race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, such as:
  - i. Unwelcome remarks, jokes, or insults;
  - ii. The displaying of derogatory or otherwise offensive pictures or materials;
  - iii. Insulting or embarrassing gestures or practical jokes;
  - iv. Refusal to work or converse with an employee, volunteer or officer of the organization for any of the reasons outlined above, or any reason whatsoever.



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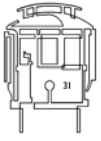
**2. Sexual Harassment:**

The following types of conduct are considered to be sexual harassment and are not permitted:

- a. Physical assaults of a sexual nature such as:
  - i. rape, sexual battery, molestation or attempts to commit these assaults; and
  - ii. intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, deliberate brushing against another person's body, or poking another person's body.
- b. Unwanted sexual advances, propositions or other sexual comments, such as:
  - i. sexually-oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any person who indicates or has indicated in any way that such conduct in his or her presence is unwelcome;
  - ii. preferential treatment or promise of preferential treatment to a person for submitting to sexual conduct, including soliciting or attempting to solicit any person to engage in sexual activity for compensation or reward; and,
  - iii. subjecting, or threats of subjecting, a person to unwelcome sexual attention or conduct or intentionally making performance of that person's job more difficult because of that person's sex.
- c. Sexual or discriminatory displays or publications anywhere on Society property by officers, members, employees, volunteers and others, such as:
  - i. displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic, or bringing into the work environment or possessing any such material to read, display or view at work.

A picture will be presumed to be sexually suggestive if it depicts a person of either sex who is not fully clothed or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work in and around the company and who is posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.

- ii. reading or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic; and



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- iii. displaying signs or other materials purporting to segregate an employee by sex in any area of the workplace (other than restrooms and similar semi-private lockers/changing rooms).

**3. Harasser:**

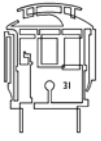
- a. A person who annoys other people persistently and refuses to cease the activity when requested.
- b. A person who creates an unpleasant, hostile, or tense environment, especially by uninvited and unwelcome verbal or physical conduct.

**D. Responsibilities of the Board of Trustees:**

1. The Board of Trustees is responsible for setting policy and for ensuring that all members, volunteers, employees, visitors, vendors, contractors, and any others who are either on Society property, or are involved in Society events away from or on Society property, are free from harassment of any kind.
2. The Board of Trustees is responsible for ensuring that the President, or a designee, has promulgated and carried out this policy as stated below.
3. The Board of Trustees is responsible for ensuring that the Society maintains an environment wherein harassment of any kind is discouraged and prevented, and that any ensuing discipline against the harasser is carried out in an impartial, fair, and equitable manner.
4. Discipline shall generally follow that of the Members Code of Conduct.
5. The Board of Trustees is responsible for ensuring that confidentiality is maintained at all times when a complaint or a report of harassment is received.
6. Complaints against any trustee, corporate officer, or administrative officer shall be directed to and investigated by the Board as a committee of the whole.

**E. Responsibilities of the President, or Designee:**

1. The President, or his designee as authorized by the Board of Trustees, is responsible for ensuring that all employees and volunteers of the Society are familiar with the relevant requirements of this policy.



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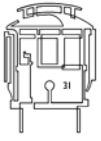
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2. The President, or his designee as authorized by the Board of Trustees, shall promptly, and without delay, investigate all instances of harassment of any kind.
3. Where a report of harassment is received, confidentiality will be maintained at all times.
4. The President, or his designee as authorized by the Board of Trustees, shall promptly, and without delay, inform the Board of Trustees of any and all instances of harassment, and shall periodically advise them of the progress of the investigation.
5. The President, or his designee as authorized by the Board of Trustees, shall administer discipline as appropriate and in accordance with the guidelines established herein, and in a fair and equitable manner.

**F. Responsibilities of Supervisory Staff**

1. The supervisory staff, which includes corporate officers, administrative officers, department heads, and any other person in a supervisory role, shall ensure that employees, volunteers, and officers of the organization and under their jurisdiction, take the issue of harassment seriously.
2. The supervisory staff, as defined above, shall distribute this policy to all employees, volunteers and officers of the organization under their jurisdiction, and shall post copies of this policy in the areas of the workplace under their jurisdiction.
3. The supervisory staff, as defined above, shall ensure that harassment is dealt with in orientation sessions for all new employees, volunteers, and officers of the Society.
4. The supervisory staff, as defined above, shall ensure that the workplace under their jurisdiction is free from harassment.
5. The supervisory staff, as defined above, shall follow up on complaints by employees, volunteers or officers of the organization about any negative performance appraisals (often it is advisable to question sudden changes in performance appraisals. Such changes may indicate harassment problems).
6. The supervisory staff, as defined above, shall conduct and document exit interviews with employees, volunteers, and officers of the organization who are resigning in order to determine their reasons for leaving.



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7. The supervisory staff, as defined above, when in receipt of a complaint, shall, in concert with the President, or his designee, interview all parties involved with the investigation in strict confidence.
8. The supervisory staff, as defined above, shall document all meetings regarding an investigation of a complaint thoroughly and submit copies of the investigation and actions taken to the President, or his designee, and to the Board of Trustees.

## **G. Responsibilities of Employees and Volunteers**

1. Every member, volunteer, and employee has the responsibility to make it known immediately and in a clear manner to the offender [harasser] that such behavior [harassment] is unwelcome.
2. Members, volunteers, and employees at all levels are required to report instances of harassment to the President, or his designee, and to the Board of Trustees.
3. If any member, volunteer, employee, Society officer, or any other person has observed or suspected that any form of harassment has occurred against any individual, or has direct knowledge that such harassment has occurred, it is that person's responsibility to inform the President, or his designee, and the Board of Trustees, as soon as possible. Such notification may be verbal or written. If verbal, a written notification shall be made as soon as possible.

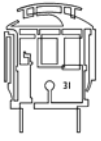
## **H. Internal Complaint Procedure**

First, be sure the harasser knows you do not welcome these advances. Give the harasser the first benefit of the doubt and tell the harasser to stop.

If the harassment continues, write down each offensive suggestion, action or remark. Be as specific as you can, including time, date and place of incident. Note the name(s) of any other individuals who might have witnessed the incident. Talk to those witnesses and tell them what is happening to you.

Immediately inform your supervisor, or the department head (or your harasser's supervisor or department head) of the harassment.

Follow-up with a written complaint to the President, or his designee, and to the Board of Trustees.



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Each incident of harassment reported will be promptly, carefully, and thoroughly investigated. Upon the lodging of a complaint of sexual harassment, the person against whom the complaint has been brought shall immediately be placed on administrative suspension pending investigation of the allegations. The investigation shall be substantially completed within ten (10) days of the filing of the complaint.

Any person filing a complaint of sexual harassment will be advised that in order to pursue a complaint, the specifics pertaining to the complaint will have to be put in writing. All information will be held in confidence and will be discussed only with those who have a need to know in order to either investigate or resolve the complaint. Any employee, who the Society determines has engaged in sexual harassment, will be promptly disciplined. Disciplinary measures may consist of suspension or termination depending upon the severity of the offense.

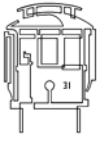
It is unlawful for an employee or volunteer to retaliate against an employee or volunteer who complains about sexual harassment and the Society shall not engage in or tolerate any such retaliation.

**I. Disciplinary Action Procedure**

The procedures included in the Members Code of Conduct, current issue, shall apply.

**Issue and Revision Record**

<b>Revision</b>	<b>Description</b>	<b>Prepared By</b>	<b>Approved By</b>	<b>Action Item</b>	<b>Date</b>
- - -	Initial release	Donald G. Curry	Board of Trustees	1995.03.12	03-25-1995
A	Complete revision by J.N. Sisson on July 14, 2010, but was not released to the Board of Trustees for approval as it was not completed at the time, and the author resigned as Vice President of Finance.	Jeffrey N. Sisson	Not Approved	N/A	July 14, 2010
B	Revised following review by Corporate Counsel	Jeffrey N. Sisson and Susan B. Driscoll	Board of Trustees	2011.04.09	April 9, 2011



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**Annex A**

***Sexual Harassment Regulations Of The Maine Human Rights Commission***

1. Harassment on the basis of sex is a violation of Section 4572 of the Maine Human Rights Act. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
  - a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
  - b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
  - c. such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
2. An employer, employment agency, joint apprenticeship committee or labor organization (hereinafter collectively referred to as "employer") is responsible for its acts and those of its agents and supervisory employees with respect to sexual harassment. When the supervisor's harassment culminates in a tangible employment action, such as, but not limited to, discharge, demotion, or undesirable reassignment, liability attaches to the employer regardless of whether the employer knew or should have known of the harassment, and regardless of whether the specific acts complained of were authorized or even forbidden by the employer. When the supervisor's harassment does not culminate in a tangible employment action, the employer may raise an affirmative defense to liability or damages by proving by a preponderance of the evidence:
  - a. that the employer exercised reasonable care to prevent and correct promptly any sexually harassing behavior, and
  - b. that the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.
3. With respect to persons other than those mentioned in paragraph 2 of this section, an employer is responsible for acts of sexual harassment in the workplace where the employer, or its agents or supervisory employees, knows or should have known of the conduct. An employer may rebut apparent liability for such acts by showing that it took immediate and appropriate corrective action.

Rev. 08/2005, from State of Maine Human Rights Commission  
[http://www.maine.gov/mhrc/guidance/sexual\\_harrassment.html](http://www.maine.gov/mhrc/guidance/sexual_harrassment.html)