

May 1, 2023

**INVESTIGATION OF COMPLAINTS AGAINST JOE SMITH
BROUGHT BY JANE DOE
FINDINGS OF FACT AND CONCLUSIONS**

I. SCOPE OF INVESTIGATION

On January 19, 2023, Jane Doe reported to Human Resources Director Jane Public that Joe Smith sexually harassed her.

Accordingly, the scope of this investigation is whether in his interactions with Jane Does, did Joe Smith violate any of the Department (hereinafter “PPD”) Rules and Regulations¹ and/or the Town’s Policies and Procedures². (Exhibits 2 and 3)

II. SUMMARY OF THE ALLEGATIONS

Ms. Doe alleges that Mr. Smith made three sexual comments to her and touched her.

EVIDENCE CONSIDERED³

A. WITNESSES INTERVIEWED⁴

1. Jane Doe
2. Joe Smith
3. Mary Wintess

All interviewees were advised verbally and in writing that retaliation against any witness or party for participation in the investigative process is prohibited. Interviewees were urged to report any retaliation. Interviewees were reminded of their obligation to be truthful

¹ Pursuant to 555 CMR 1.01(2)(e) investigations should be completed within 90 days. Due to the complexity of the complaints, the number of allegations and the health of one of the individuals involved, the investigation was delayed and not completed within 90 days.

² The Town’s Policy against discrimination, harassment and retaliation defines the expectations of the Town for its employees. (Exhibit 2) A violation of this policy may not be a violation state and federal civil rights laws.

³ All witnesses and evidence were accessible for this investigation and all witness interviews were recorded. 555 CMR 1:01 (3)(d)

⁴ Mr. Smith was represented by Attorney John Holland and Ms. Doe was represented by Attorney Counselor

and were asked to keep the content of interviews confidential to maintain the integrity of the investigation.

B. DOCUMENTS RELIED UPON

Exhibit 1 Complaint

Exhibit 2 Policies

Exhibit 3 PD Rules and Regulations

III. SUMMARY OF EVIDENCE

The following evidence was considered as part of this investigation:

IV. FINDINGS AND CONCLUSIONS

Having considered all the evidence and drawing the appropriate inferences therefrom, based on a preponderance of the evidence, I make the following findings of fact and conclusions:

IV. RECOMMENDATIONS

Based on the fact that Mr. Jones was found to have violated the Town's policies, I recommend discipline, up to and including termination. If Mr. Jones remains employed by the Town, I recommend that he be placed on a Performance Improvement Plan for the next year. Further, as his conduct made others uncomfortable in the workplace, I recommend that he receive training on preventing discrimination in the workplace. I further recommend that all members of the police receive the same training. Lastly, the Town may want to consider having the Town Manager conduct the employee evaluation of Ms. Doe for the next year.

If I may provide you with any additional information, please feel free to contact me.

Very truly yours,

Regina M. Ryan

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