

SEXUAL HARASSMENT

000-065a

Effective Date: July 1, 2000

PURPOSE: To transmit the New Hampshire Workforce Opportunity Council's (Council) policies and procedures for ensuring a work environment free from sexual harassment.

POLICY: It is the policy of the Council that sexual harassment by or against any employee or program client of the Council, NHWORKS One-Stop Partners, and WIA-Title I recipients/subrecipients will not be tolerated. New Hampshire State Agencies shall follow their internal policies, procedures, and disciplinary guidelines when implementing this policy.

For purposes of this policy, sexual harassment is defined to include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

such conduct has the purpose or effect of interfering with an individual's work performance or creating a hostile or offensive work environment.

submissions to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual.

submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment. (Sec. 1604.11 of the EEOC's guidelines on Sex Discrimination)

Examples of conduct which may, if continued or repeated, constitute sexual harassment are:

- unwelcome sexual propositions
- graphic comments about a person's body
- derogatory or sexually explicit statements about an actual or supposed sexual relationship
- unwelcome touching, patting, pinching, or leering
- derogatory gender-based humor

PROCEDURES:

1. **Who may file:** Any individual who believes that he or she has experienced, or been the victim of, sexual harassment. Complaints may also be submitted by any individual whether or not the individual was personally subjected to harassment. Complaints may be filed regardless of whether the behavior occurred on or off duty, if it results in work-related sexual harassment.

2. **When to file:** Complaints should be filed as soon after the alleged act(s) as possible, but in any event, no later than 180 days after the alleged act took place.
3. **Where to file:** Complaints may be filed with the individual's immediate supervisor, who will forward it to the Council EO Officer, **OR** directly with the Council EO Officer, 64 Old Suncook Rd., Concord, NH, 03301, Telephone: (603) 228-9500 TDD: 1-800-622-9180, EO@nhworkforce.org.

Complaints may alternatively be filed directly with the Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue, NW, Rm N-4123, Washington, D.C. 20210. Telephone: (202) 219-7026, TDD: 1-800-326-2577.

4. **How to file:** Complaints by individuals experiencing the harassment may be verbal or written and shall:
 1. Identify the person(s) and/or legal entity complained against (the respondent); and
 2. Describe the complainant's allegations in sufficient detail to allow the Council or appropriate One-Stop Partner or WIA-Recipient EO Officer to
 - conduct a preliminary review/investigation in an effort to resolve the issue without further formal action being taken,
 - prepare a written statement of action taken, with a copy to all appropriate parties, and, in the event a formal administrative investigation is required,
 - conduct a formal administrative investigation as outlined in these procedures.

NOTE: Complaints by individuals other than the victim shall be in writing

5. Upon receipt of a verbal or written complaint alleging harassment, the Council EO Officer shall promptly log the complaint and forward it to the appropriate One-Stop Partner or WIA-Recipient to
 - initiate review and/or investigation of the complaint;
 - provide notice, as appropriate, to all interested parties;
 - inform all interested parties of their ability to submit information relevant to the complaint; and
 - inform the complainant of their ability to choose mediation as an alternative dispute resolution; and
 - make a decision strictly on the evidence.
6. Investigations shall be conducted with particular care to preserve the confidentiality of all persons involved. Only those who have an immediate need to know, including, but not limited to, the investigator, the complainant, and the alleged harasser or retaliator shall be provided with the identity of the complainant and allegations.
7. No employee or program client shall be required to file a complaint with a supervisor who is hostile to that individual, and/or who engages in conduct or has been alleged to have engaged in conduct which could be considered sexual harassment. No person

shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Equal Opportunity policies or because he/she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing.

8. The complaint shall be processed within thirty (30) days and a resolution offered to the complainant.
9. Investigation shall be based on behavior, intent, and frequency. Resolution may include, but not be limited to
 - disciplinary action against the harasser or retaliator,
 - removal of all records from the victim's file that may have been tainted by the sexual harassment, and replacement with records that more accurately reflect the victims work performance,
 - financial restitution to the victim,
 - opportunities for the victim to transfer, although the victim would not be required to take a transfer.
10. Supervisory staff or management who knew that work-related harassment was occurring in his/her chain of command and failed to take action as required under this policy may also be subject to disciplinary action.
11. Any party who objects to the discipline they have received as a result of the implementation of this policy may file a grievance.
12. Nothing in this policy should be construed to prohibit an individual from filing a complaint of sexual harassment with any appropriate State or Federal Enforcement Agency.

ACTION: All staff must be knowledgeable of the contents of this directive.