

SUBJECT: SEXUAL HARASSMENT

EFFECTIVE

DATE: 02-14-11 (replaces 03-01-05)

APPROVED BY:

Executive Director

Reviewed (no changes): _____

POLICY

It is the policy of McIntosh Trail Community Service Board to maintain a work environment free from sexual harassment. Acts of harassment are serious instances of misconduct. Any staff person who engages in such misconduct is subject to disciplinary action up to and including discharge. Retaliation against staff due to filing of a harassment complaint, giving a statement about harassment or participating in a harassment investigation is also prohibited. Any staff person who engages in retaliation against another staff person is also subject to disciplinary action up to and including dismissal.

The purpose of this policy is to affirm that sexual harassment is prohibited within McIntosh Trail CSB and is a violation of Title VII of the Civil Rights Act of 1964, as amended.

DEFINITIONS

Sexual harassment is a form of illegal sex discrimination. Sexual harassment is sex neutral and affects both men and women. A key element of sexual harassment is that the behavior is perceived by the victim as unwelcomed and uninvited.

Sexual harassment includes a sexual advance, a request for sexual favors, or other verbal or physical conduct of a sexual nature when:

- a. Made as part of a supervisor's or manager's decision to hire or fire someone;
- b. Used to make other employment decisions, such as promotions or salary adjustments;
- c. The conduct has the purpose or effect of interfering with job performance or creating an intimidating, hostile or offensive working environment.

"Quid Pro Quo" Sexual Harassment. "Quid pro quo" means "something for something." Quid pro quo sexual harassment occurs when:

- a. A supervisor demands, implicitly or explicitly, sexual favors in exchange for employment benefits, or
- b. Threatens to take adverse personnel action against a staff person if they refuse to participate in sexual activities, or
- c. Actually takes adverse personnel action against a staff person if they refuse to participate in sexual activities.

SUBJECT: SEXUAL HARASSMENT

EFFECTIVE

DATE: 02-14-11 (replaces 03-01-05)

APPROVED BY:

Reviewed (no changes): _____

Executive Director

POLICY (continued)

Intimidating, Hostile or Offensive Work Environment. Prohibited harassment may also occur in an intimidating, hostile or offensive work environment. Such harassment may occur even though no economic harm is suffered by a staff person. An intimidating, hostile or offensive work environment may exist even though the offensive conduct is not directed toward a particular staff. Conduct which may create an intimidating, hostile or offensive environment includes speech, physical contact, and the display of offensive material in the workplace. Examples of such conduct include but are not limited to:

- a. Sexually degrading or vulgar words spoken to describe an individual, including comments about a person's body or sexual activities;
- b. Any unwelcome speech (including jokes) that disparages or is inherently derogatory of another person's sex or sexual orientation;
- c. Impeding or blocking physical movement of another person;
- d. Unwanted touching of another person, or any physical contact which disrupts the work of a third party;
- e. Staring or leering at co-workers in the workplace;
- f. Bodily movements suggestive of sexual activity;
- g. Sexually suggestive or obscene letters, notes and invitations;
- h. Sexually-oriented posters or calendars displaying suggestive or derogatory objects, photographs or words.

REPORTING HARASSMENT: GENERAL

McIntosh Trail CSB staff to report sexual harassment in the workplace. Any staff person who believes they are a victim of sexual harassment, or who witnesses harassment of another staff person, should immediately report the incident to a supervisor.

Any supervisor who witnesses conduct that may constitute sexual harassment has an affirmative duty to take immediate action to terminate such conduct. Such action may include the seizure and removal of offensive material from the workplace.

All allegations of harassment or discrimination shall be taken seriously. No supervisor shall inject his/her subjective judgment concerning the validity of the allegations in relating the incident to an investigator or superior.

A supervisor who witnesses or receives actual notice of sexual harassment and who fails to report the same, shall be subject to disciplinary action.

SUBJECT: SEXUAL HARASSMENT

EFFECTIVE

DATE: 02-14-11 (replaces 03-01-05)

APPROVED BY:

Reviewed (no changes): _____

Executive Director

POLICY (Continued)

A supervisor who receives information alleging sexual harassment shall take all reasonable and necessary action to ensure the information is treated discreetly.

No supervisor shall make any attempt to dissuade staff from filing a complaint alleging sexual harassment.

RETALIATION

Retaliation occurs when an employer, including a supervisor, takes negative action against a staff person because they file a harassment complaint, give a statement about harassment or participate in a harassment investigation.

Unlawful retaliation by an employer, or supervisor, includes but is not limited to:

- a. Involuntary transfer or changes in job duties, assignments, privileges or performance evaluations.
- b. Permitting continuing or escalating harassment against a complainant after a complaint is reported or filed:
- c. Permitting a co-worker of a staff person to engage in any conduct that adversely affects or threatens to adversely affect their working conditions because they have filed a sexual harassment complaint, given a statement about harassment or participating in a harassment investigation.

PROCEDURES

All Staff:

New staff, when appointed, will be required to sign a Sexual Harassment Policy acknowledgement (Attachment 1) stating they will abide by the provisions of McIntosh Trail Policy 3003. The original will be filed in the Human Resources Department at the Area Office.

Any staff person has the responsibility to report to next level of supervision any observed sexual harassment. Supervisors have the responsibility to continue reporting up the organizational structure to the Executive Director level.

Staff Person Involved:

A staff person who believes they are a victim of sexual harassment shall promptly complete and submit a Report of Alleged Sexual Harassment to his/her immediate supervisor (Attachment 2). If the supervisor is named in the allegation, the staff person will report the alleged sexual harassment to the Clinical Director for MH/AD or DD Services Director.

SUBJECT: SEXUAL HARASSMENT

EFFECTIVE

DATE: 02-14-11 (replaces 03-01-05)

APPROVED BY:

Reviewed (no changes): _____

Executive Director

PROCEDURES (continued)

Supervisor/

The supervisor/Clinical Director for MH/DD or DD Services Director is responsible to report any allegation of sexual harassment to the Executive Director within five (5) calendar days after receipt of report and to request an investigation, if warranted.

Executive Director:

The Executive Director is responsible to personally conduct the investigation or coordinate the investigation being conducted by a person outside the agency. The investigation should be made within thirty (30) calendar days after receipt of report. An extension can be requested from the CSB Chair, if needed.

Appropriate disciplinary action will be taken as indicated. The Executive Director will notify the Community Service Board Chair of the complaint and action taken.

Attachments:

1. Sexual Harassment Policy Acknowledgement
2. Report of Alleged Sexual Harassment

SEXUAL HARASSMENT POLICY ACKNOWLEDGEMENT

As a staff person of McIntosh Trail Community Service Board, I hereby certify that I have received and read this agency's Sexual Harassment Policy (Policy No. 3003). I understand I am responsible for reporting any observed sexual harassment or any sexual harassment directed towards me to the next level of supervision as outlined in the Procedures Section of this policy.

Signature

Date

REPORT OF ALLEGED SEXUAL HARASSMENT

Center/Program: _____ Date Reported: _____

Location of Incident: _____ Date of Incident: _____

This section to be completed by the **STAFF PERSON**.

1. Description of Incident: Verbal _____ Physical _____
 Describe nature of incident.

2. Name and relationship of all parties involved (staff/supervisor/
 consumer/other).

This section to be completed by the **SUPERVISOR/ASSOCIATE DIRECTOR**.

Describe action taken:

 Signature Date reported to Executive Director

This section to be completed by the **EXECUTIVE DIRECTOR**.

Investigation warranted: Yes _____ No _____
 If yes, describe results of investigation. If no, justify decision.

Corrective action taken:

 Executive Director Signature Date

Date CSB notified: _____

Attach additional sheets if necessary.