

Department of Finance and Administration Office of Personnel Management

Policy Title: **Sexual Harassment**

Policy Number: **21**

Authority: **Title VII of the Civil Rights Acts of 1964**

Revised: **July 1, 2017**

All state agencies must develop and implement a policy concerning sexual harassment and the resolution of any complaints. A copy of the agency's policy must be filed with the Office of Personnel Management (OPM).

Sexual harassment is a form of discrimination and is unwelcome behavior that is either verbal or physical in nature. What constitutes sexual harassment is:

1. Submission to the conduct is either an explicit or implicit term or condition of employment, and/or
2. Submission to or rejection of the conduct is used as a basis for employment decisions affecting the person who did the submitting or rejecting, and/or
3. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Actions that may be defined as sexual harassment are not limited to the "supervisor and employee" situation, but may include actions of coworkers, actions of the same or opposite sex and action of individuals external to the agency, but who have contact with employees in the work environment.

An agency's policy should include a provision that the grievance officer shall insure that no person who files a grievance involving sexual harassment is required to solely or independently confront any person allegedly conducting or causing any action believed to be sexual harassment.

If an employee files a grievance alleging sexual harassment and the agency determines the employee is ineligible to use the grievance process based on the employee's supervisory status, the agency still has a responsibility to investigate the matter.