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| SEXUAL HARASSMENT | | | | NO. | |
| **Objective:**  The purpose of this policy is to define sexual harassment, provide procedures for the investigation of sexual harassment claims, and ensure that violations are remedied.  **Scope:**  This policy applies to employees of the company.  **Policy Statement:**  Sexual harassment is unwanted sexual attention of a persistent or offensive nature made by a person who knows, or reasonably should know, that such attention is unwanted. Sexual harassment includes sexually oriented conduct that is sufficiently pervasive or severe to unreasonably interfere with an employee's job performance or create an intimidating, hostile, or offensive working environment. While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:  • Promising, directly or indirectly, an employee a reward, if the employee complies with a sexually oriented request;  • Threatening, directly or indirectly, to retaliate against an employee, if the employee refuses to comply with a sexually oriented request;  • Denying, directly or indirectly, an employee an employment-related opportunity, if the employee refuses to comply with a sexually oriented request;  • Engaging in sexually suggestive physical contact or touching another employee in a way that is unwelcome;  • Displaying, storing, or transmitting pornographic or sexually oriented materials using EMPLOYER equipment or facilities;  • Engaging in indecent exposure; or  • Making sexual or romantic advances toward an employee and persisting despite the employee's rejection of the advances.  Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.  Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on EMPLOYER premises and whether or not the incidents occur during working hours. | | | | | |
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| Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment typically involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment. Consensual sexual or romantic relationships between employees are deemed unwise and are strongly discouraged if one employee has supervisory authority over the other employee.  **Responsibilities:**  *Employees*  If employees believe that they have been subject to sexual harassment or any unwanted sexual attention, they should:  • Make their unease and/or disapproval directly and known to the harasser;  • Make a written record of the date, time, and nature of the incident(s) and the names of witnesses; and  • Report the incident to the EMPLOYER's Manager, Human Resources or their supervisor.  • Incidents of sexual harassment or inappropriate sexual conduct must be reported regardless of their seriousness. Publicizing information about alleged harassment without following the reporting procedures or filing a formal complaint might be considered evidence of a vexatious intent on part of the accuser.  *Administration*  Administration must deal expeditiously and fairly with allegations of sexual harassment within their departments whether or not there has been a written or formal complaint. Supervisors must;  • Act promptly to investigate sexual harassment or inappropriate sexually oriented conduct;  • Ensure that harassment or inappropriate sexually oriented conduct is reported to EMPLOYER's Manager, Human Resources;  • Take corrective action to prevent prohibited conduct from reoccurring.  • Supervisors who knowingly allow or tolerate sexual harassment are in violation of this policy and subject to discipline.  Administration is also responsible for:  • Informing both the individual filing the complaint (hereafter referred to as the complainant) and the accused individual (hereafter referred to as the respondent) are aware of the seriousness of a sexual harassment complaint; | | | | | |
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| • Explaining EMPLOYER's sexual harassment policy and investigation procedures to the complainant and the respondent;  • Exploring informal means of resolving sexual harassment complaints;  • Notifying the police if criminal activities are alleged; and  • Arranging for an investigation of the alleged harassment and the preparation of a written report.  **Informal Resolution Procedures**  Employees often can stop or prevent sexual harassment by expressing their disapproval of an individual's sexually oriented attention or conduct. Employees should report incidents of sexual harassment or inappropriate sexually oriented conduct to their supervisor or Administration. A supervisor's informal warning to an alleged harasser combined with appropriate follow-up supervision and monitoring of the employee's behavior might be sufficient to prevent or stop sexual harassment. Some complaints can be resolved through informal mediation between the two parties. The Supervisor, Administration arranges for or facilitates mediation between the parties and coordinates other informal problem resolution measures.  If mediation is successful, a written settlement agreement must be prepared. Generally, the mediation agreement includes:  • A pledge by the respondent not to engage in behavior that could be construed as in violation of this policy  • A promise by this respondent not to retaliate against the complainant;  • The restoration of employment terms, conditions, or opportunities the complainant lost or was denied because of the harassment and for other relief necessary to remedy the situation; and  • Procedures for monitoring compliance with the agreement.  • The settlement agreement must be in writing, signed by both parties, and approved by Administration.  • If the complaint cannot be resolved informally Administration assists the complainant in filing a written sexual harassment complaint. | | | | | |
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| **Formal Resolution Procedures**  Incidents of sexual harassment or inappropriate sexually oriented conduct should be reported. To initiate a formal investigation into an alleged violation of this policy, employees also must file a sexual harassment complaint with Administration. Complaints should be filed after an incident of alleged sexual harassment. Administration assists the complainant in completing a Sexual Harassment Complaint Form. To ensure the prompt and thorough investigation of a sexual harassment complaint, the complainant should provide the following information:  • The name, department, and position of the person or persons allegedly causing the harassment;  • A description of the incident(s), including the date(s), location(s), and the presence of witnesses;  • The alleged affect of the incident(s) on the complainant's position, salary, benefits, promotional opportunities, or other terms or conditions of employment;  • The names of other employees who might have been subject to the same or similar harassment;  • The steps the complainant has taken to try to stop the harassment; and  • Other information the complainant believes to be relevant to the harassment complaint.  **Discipline**  Employees who violate this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand. The discipline for very serious or repeat violations is termination of employment. Persons who violate this policy also are subject to civil damages or criminal penalties.  **Confidentiality**  Inquiries, complaints, and investigations are treated confidentially. Information is revealed on a need to know basis. Information contained in a formal complaint is kept confidential. However, the identity of the complainant usually is revealed to the respondent and witnesses, Administration takes adequate steps to ensure that the complainant is protected from retaliation during the period of the investigation. A copy of the investigation report and the final decision is included in the personnel file of the respondent if the investigation concludes that the individual engaged in prohibited conduct. No record of a complaint is kept in the complainant's personnel file, unless the investigation concludes that the complaint was reckless, frivolous, or vexatious.  Information pertaining to a sexual harassment complaint or investigation is maintained by Administration in secure files. Administration explains the procedures for handling information related to sexual harassment complaints and investigations to complainants and respondents.  **Other Available Procedures** The procedures available under this policy do not preempt or supersede legal procedures or remedies otherwise available to a victim of sexual harassment under state or federal law. | | | | | |
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