

# Sexual Harassment

# Sexual Harassment

- Sexual Harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Title VII applies to employers with 15 or more employees, including state and local governments.

# What is Sexual Harassment?

- Sexual Harassment is unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature when such conduct explicitly and implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

# Sexual Harassment

- Occurs in a variety of circumstances, including, but not limited to:
- The victim as well as the harasser may be a woman or man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker or a non-employee.

# Sexual Harassment

- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury or discharge of the victim.
- The harasser's conduct must be unwelcome. It is helpful for the victim to inform the harasser directly that the conduct is unwelcome and must stop. The victim should use any employer complaint mechanism or grievance system available.

# Retaliation for Sexual Harassment

- It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on sex or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

# Sexual Harassment at ADH

- The Arkansas Department of Health has a Sexual Harassment policy. This policy is established to encourage employees to discuss problems of sexual harassment with appropriate supervisors, to explain, to reach resolution, to make adjustments, if necessary, and to foster better understanding between employees and supervisors.

# Actions Defined as Sexual Harassment

- Sexual Harassment is intolerable and unconscionable.
- Sexual conduct is unwelcome verbal or physical conduct of a sexual nature.
- The criteria of sexual harassment is the same as defined in the Federal Guidelines as explained earlier in this text.

# Notification

- No employee, in order to effect resolution of a complaint, shall be required to solely or independently confront the person allegedly conducting or causing the action believed to be sexual harassment. Further, retaliation against an employee for reporting sexual harassment is strictly prohibited.

# Notification

- Employees believing themselves to be victims of sexual harassment are encouraged to come forward in order to effect resolution of the complaint. To begin the process of resolution, employees are encouraged to contact one of the persons identified on the “Sexual Harassment Prohibited” publication.

# Poster Requirement

- A copy of the “Sexual Harassment Prohibited” publication will be posted in a conspicuous place in each ADH health unit and facility.

# Sexual Harassment Complaints

- All employees must be given the opportunity through established investigative steps and processes, including ADH's grievance procedure, to resolve sexual harassment complaints. This policy does not change the ADH grievance procedure.

# Complaint Submission

- Employees should submit complaints made in good faith, expressed in reasonable terms, containing cause for the complaint, corrective action desired and sufficient information upon which to base decisions.
- Complaints may be submitted to the employee's supervisor, or directly to the Employee Relations Office.

# Complaint Review

- Sexual Harassment complaints will be reviewed by the Center and the Employee Relations office. The Center may review and conduct a preliminary investigation or submit the complaint directly to the Employee Relations office. If the facts can be obtained as the center level, the center management will take necessary corrective action. If further investigation is needed, the complaint will be forwarded to the Employee Relations office.

# Compliant Review

- If the complainant believes an inadequate review was conducted at the Center level, he or she may request further review or investigation by the Employee Relations Office.
- The Employee Relations office will determine if the sexual harassment charge was substantiated and submit a report to the Agency Director/designee.

# Responsibilities

- The Employee Relations office is responsible for responding to federal and regulatory agencies regarding sexual harassment allegations.
- All ADH managers and supervisors will document receipt of all verbal /written sexual harassment allegations.
- All allegations from any source will be investigated.

# For additional information

Contact Employee Relations  
4815 W. Markham  
Little Rock, AR 72205  
501-280-4099

# Post Assessment

- Please return to A-TRAIN to complete the post assessment for this course.
- Instructions for completing the post assessment were e-mailed to you when you registered. They were attached to the registration notification.