

Written: 02/18/2013	Policy	Sexual Harassment Policy
Approved: 03/23/2017		Dept.: All
Reviewed/Revised: 03/03/2017		Written By: Logan Brown

**Policy:**

Area Agency on Aging, Inc. prohibits sexual harassment of all forms and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. The company is committed to providing its employees with a working environment free from unlawful sexual harassment.

**Defining Sexual Harassment:**

“Sexual harassment” is unwelcome conduct of a sexual nature that is sufficiently persistent or offensive to unreasonably interfere with an employee’s job performance or create an intimidating, hostile or offensive working environment whether it is from the opposite sex or the same sex. Sexual harassment is defined by the Equal Employment Opportunity Commission Guidelines as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Under Title VII of the Civil Rights Act of 1964, there are two types of sexual harassment: a) quid pro quo and 2) hostile work environment. Sexual harassment can be physical and 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.

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating hostile or abusive work environment.

Though sexual harassment encompasses a wide range of conduct, some examples of prohibited conduct are as follows:

- Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults, and intentional physical conduct that is sexual in nature, such as

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touching, pinching, patting, grabbing, brushing against another employee’s body or poking another employee’s body.

- Unwelcome sexual advances, propositions or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience.
- “Sexting” (electronically sending messages with sexual content, including pictures and videos), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter.
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee’s job more difficult because of that employee’s sex.
- Sexual or discriminatory displays or publications anywhere in Area Agency on Aging’s workplace by the Area Agency on Aging employees.
- Retaliation for sexual harassment complaints.

**Employee Responsibility:**

If an employee believes that he or she has been subject to sexual harassment or any unwelcome sexual attention, he or she may address the situation directly and immediately to the harasser, if possible. If the inappropriate conduct does not immediately cease, or if the employee is unable to or uncomfortable with addressing the alleged harasser directly, he or she should report the incident to his or her own supervisor or manager, or to the human resources (HR) director. If the person doing the harassment is the employee’s supervisor or a superior, he or she should report the incident to a manager, or to the human resources (HR) director.

It is important to report any and all concerns of sexual harassment or inappropriate sexual conduct to the HR director or a supervisor/manager as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to prevent the prohibited conduct from continuing.

To ensure the prompt and thorough investigation of a sexual harassment complaint, the complainant should provide as much of the following information as is possible:

- 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 any witnesses.

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- The effect of the incident(s) on the complainant’s ability to perform his or her job, or on other terms or conditions of his or her employment.
- The names of other individuals who might have been subject to the same or similar harassment.
- What, if any, steps the complainant has taken to try to stop the harassment.
- Any other information the complainant believes to be relevant to the harassment complaint.

**Management Responsibility:**

Managers and supervisors must deal expeditiously and fairly with allegations of sexual harassment whether or not there has been a written or formal complaint. Management must:

- Take all complaints or concerns of alleged or possible harassment or discrimination seriously no matter how minor or who is involved.
- Ensure that harassment or inappropriate sexually oriented conduct is immediately reported to HR so that a prompt investigation can occur.
- Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

Managers and supervisors who knowingly allow or tolerate sexual harassment or retaliation, including the failure to immediately report such misconduct to HR, are in violation of this policy and subject to discipline.

**Human Resources Responsibility:**

The HR director is responsible for:

- Ensuring that both the complainant and the respondent are aware of the seriousness of a sexual harassment complaint.
- Explaining Area Agency on Aging’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.
- Arranging for an investigation of the alleged harassment and the preparation of a written report.
- Submitting a written report summarizing the results of the investigation and making recommendations to designated company officials.
- Notifying the complainant and the respondent of the corrective actions to be taken, if any, and administering those actions.

**Discipline:**

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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 may also be subject to civil damages or criminal penalties.

**Confidentiality:**

All inquiries, complaints and investigations are treated confidentially. Information is revealed strictly on a need-to-know basis. Information contained in a formal complaint is kept as confidential as possible. However, the identity of the complainant is usually revealed to the respondent and witnesses. The HR director takes adequate steps to ensure that the complainant is protected from retaliation during the period of the investigation. No employee shall be subject of retaliation who files such a claim based on a good faith belief that a claim is appropriate even if insufficient evidence is found to warrant such a claim. All information pertaining to a sexual harassment complaint or investigation is maintained by the HR director in secure files. The HR director can answer any questions relating to the procedures for handling information related to sexual harassment complaints and investigations to complainants and respondents.

**Persons outside of Area Agency on Aging, Inc.:**

Although Area Agency on Aging, Inc. obviously cannot control or be responsible for the actions of individuals not in our employ but with whom our employees interact, conduct by such individuals at the premises of Area Agency on Aging, Inc. or while the employee is on business on behalf of Area Agency on Aging, Inc. which constitutes sexual harassment or creates a sexually offensive environment should be reported to the human resources (HR) director or another member of management for investigations and appropriate response.