

ODNR SEXUAL HARASSMENT POLICY - PROCEDURE

Effective March 1, 2011

Purpose To stress that discrimination and harassment will not be tolerated in the workplace, and to implement the policy of the Ohio Department of Natural Resources to fully comply with applicable federal and state laws, rules, regulations and guidelines in the area of non-discrimination and harassment in employment. Discrimination and harassment against employees and applicants based on gender (including sexual harassment) is illegal.

Authority

- Section 703 of Title VII, Civil Rights Act 1964 (as amended)
- Ohio Revised Code 4112
- Ohio Administrative Code 123:1-49-02
- Executive Order 2011-05K
- OCSEA Article 2 – Non-discrimination
- FOP Article 9 – Non-discrimination

Reference ODNR EEO Policy-Procedure

Resource Office of Human Resources - Diversity Affairs Section

POLICY

It is the policy of the Ohio Department of Natural Resources (ODNR) to maintain a working environment free from any discrimination, and to prohibit sexual harassment of applicants, and employees, including discriminatory sexual advances or harassment adversely affecting an employee's terms and conditions of employment either directly or indirectly.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is a form of employment discrimination based on gender which is prohibited by law. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

--Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment;

--Submission to or rejections of such conduct by an individual is used as the basis for employment decisions affecting that individual; or

--Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

TERMS AND CONDITIONS OF EMPLOYMENT

Anti-discrimination protections apply to all of the terms and conditions of employment, including, but not limited to:

- Promotions
- Testing
- Training opportunities
- Hiring
- Transfers
- Work assignments
- Discipline
- Salary and benefits
- Discharge
- Performance evaluations
- Working conditions

FORMS OF SEXUAL HARASSMENT

- **Quid Pro Quo or "This for That"** - The most direct and obvious form of sexual harassment. It typically occurs when a term or condition of employment is the basis of an individual's acceptance or rejection of a request for sexual favors.
- **Hostile Work Environment** – The most basic form of sexual harassment. Generally occurs when the work place is permeated with sexual comments, innuendos, jokes, inappropriate touching, or other degrading or abusive conduct.

SEXUAL HARASSMENT MAY INCLUDE:

- **Verbal:** (e.g., threats, insults, offensive or suggestive comments, repeated and unwelcome requests for dates, telling lies or spreading rumors about a person's sex life or preferences);
- **Non-verbal:** (e.g., suggestive gestures or looks, staring or leering);
- **Physical:** (e.g., cornering or trapping, pinching, grabbing or patting, touching, invading a person's space, hugging, kissing, rape or attempted rape).

FILING A COMPLAINT

Any applicant or employee who believes that he or she is a victim of sexual harassment, should advise the perpetrator that the action is not welcome and must stop; and/or consult their supervisor. If this is not an option, the aggrieved individual should then report such incident(s) to:

- Division/Office Human Resources personnel; or
- Office of Human Resources-Diversity Affairs Section; or
- Equal Opportunity Division of the Department of Administrative Services
- An employee has a right to meet privately with Diversity Affairs during office hours; however, the employee should obtain supervisory approval for leaving his/her work areas. An employee need not disclose the details of the purpose for meeting with an EEO professional to a supervisor. Reasonable leave requests to meet with an EEO professional during work hours cannot be denied by supervisors. Managers and supervisors shall allow employees to meet with EEO professionals at the earliest practicable time consistent with the operational needs of their units.

A formal sexual harassment complaint may be filed with any or all of the following entities: (1) Diversity Affairs Section within 30 days of the last incident or the Department of Administrative Services, Equal Opportunity Division; (2) the Ohio Civil Rights Commission (OCRC) within 180 days of the last incident; and/or (3) the federal Equal Employment Opportunity Commission (EEOC) within 300 days of the last incident

For the addresses and phone numbers to the above organizations, see the EEO Policy-Procedure.

If an individual wishes to pursue the matter informally, Diversity Affairs will provide confidential counseling in order for the aggrieved individual to explain the matter and to determine whether a formal complaint should be filed.

Informal resolution may be pursued through the Diversity Affairs Section at the request of the aggrieved individual.

In the event the aggrieved individual opts to file a formal complaint with Diversity Affairs, an investigation into the allegations will be conducted. Within 60 days from the filing of this complaint, the agency shall render a decision of whether there was probable cause and the appropriate remedy, if a remedy is required.

RESPONSIBILITY

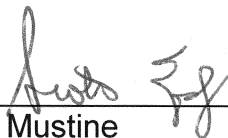
ODNR recognizes its responsibility to provide its applicants, and employees with an environment that is wholesome, safe, conducive and free of harassment of any kind. Sexual harassment should be reported immediately. Union members may also want to contact their respective union representative for information concerning member rights within the union contract.

ENFORCEMENT

Sexual harassment and related behavior in the workplace is inexcusably inappropriate, and will not be tolerated. Employees in violation of this policy, is subject to discipline, up to and including removal.

If an investigation finds that the accused harasser has engaged in harassment or retaliation against someone for filing a complaint or for cooperation in the investigation of a complaint, ODNR will take appropriate corrective/disciplinary action up to and including dismissal.

There shall be no retaliation against an employee who files a complaint, cooperates with an investigation or for reporting allegations of discrimination, harassment or other inappropriate behavior.

Office of the Director:	<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Disapprove
		
David Mustine	2/14/11	Date