

 <p>POLICY</p>	Applicability Department Wide		
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	Sexual Harassment		

Approved



Allyson Brooks, Director
 State Historic Preservation Officer

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 Date Signed

Purpose

The Department of Archaeology & Historic Preservation (DAHP) is committed to providing a work environment free from sexual harassment and unsolicited and unwelcome advances that are sexual in nature. Sexual harassment is disrespectful, hurts morale, and interferes with the work productivity of victims, co-workers, and harassers.

Sexual harassment is misconduct that undermines the integrity and quality of the workplace; undermines trust amongst employees; and is unfair to the employee, volunteer, contractor, and their co-workers who are subjected to harassment.

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, or
- 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 and/or creating an intimidating, hostile, or offensive working environment.

All DAHP employees, volunteers, and contractors must be aware and understand that sexual harassment is against the law and unacceptable behavior will not be tolerated in the workplace. When the DAHP determines that an allegation of sexual harassment is credible, prompt and appropriate correction will take place.

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Harassment on the basis of gender is a violation of section 703 of title VII U.S. Civil Rights Act of 1964 as amended in 1972. It is also unlawful according to:

- Washington State Law Against Discrimination RCW 49.60; and
- Washington State Governor's Executive Order 89-01 Sexual Harassment.

The principles set-forth in this policy also apply to harassment and discrimination based upon race, color, religion, sexual orientation, or national origin.

Policy Statement

The DAHP is committed to providing a work environment that is free from sexual harassment of any kind. All DAHP employees, volunteers, and contractors must understand that sexual harassment is an unacceptable practice and will not be tolerated in the workplace.

Employee Interactions in the Workplace

With respect to conduct between fellow employees, DAHP is responsible for acts of sexual harassment in the workplace where the DAHP (Director, Deputy Director, supervisors) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.

DAHP may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace, where DAHP (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In reviewing these cases the DAHP will consider the extent of its control and any other legal responsibility which it may have with respect to the conduct of such non-employees.

Where employment opportunities or benefits are granted because of an individual's submission to a DAHP employee's sexual advances or requests for sexual favors, DAHP may be held liable for unlawful discrimination against other persons who were qualified for and denied that employment opportunity or benefit.

PREVENTIVE MEASURES

DAHP intends that prevention is the best tool for the elimination of sexual harassment. Therefore, DAHP will take proactive measures to discourage and prevent sexual harassment from occurring in the workplace including, but not limited to the following:

- Affirmatively raising the subject in a safe environment,
- Modeling appropriate behavior,
- Being respectful to all employees,
- Encourage documenting, confronting, and reporting inappropriate behavior,
- Informing employees of their right to raise and how to raise the issue of harassment under Title VII, and
- Transparency in staff communications while being mindful of privacy needs.

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Training

The DAHP will provide training and education to employees, volunteers, and contractors to prevent and eliminate sexual harassment in the workplace. Training will also be provided to supervisors and managers on how to handle sexual harassment complaints.

Appropriate/Respectful Interactions Supported

DAHP supports appropriate and respectful social interactions or collegial relationships, which are voluntary and freely entered into by employees or individuals performing business with the office; where such relationships do not adversely impact the performance of professional duties and that are appropriate in the workplace.

Consequences for Failing to Maintain a Work Environment Free from Sexual Harassment

All DAHP employees, volunteers, and other persons having business with the DAHP are responsible to maintain a work environment free from sexual harassment. Employees, volunteers, and contractors determined to be in violation of this policy will be subject to appropriate corrective or disciplinary action, up to and including termination.

Management's Role in Providing a Work Environment Free from Sexual Harassment

It is the responsibility of the Director, Deputy Director, and supervisors to clearly communicate the agency's Sexual Harassment Policy to all employees, contractors, and volunteers and to provide training to new employees during the probation period of their employment.

Directors and supervisors shall review the sexual harassment policy annually with staff. Program managers and supervisors must also take reasonable steps to prevent sexual harassment in their work units and take immediate corrective action if they become aware of sexual harassment. Failure to do so may result in corrective or disciplinary action, up to and including termination.

FILING A COMPLAINT

All employees, volunteers, contractors, and other persons having business with DAHP have the right to file a complaint with the DAHP Director, the Dept. of Enterprise Services Human Resources Consultant, the Washington State Human Rights Commission under RCW 49.60, or with the Federal Equal Employment Opportunity Commission under Title VII of the Civil Rights Act.

Once Notified or Received, DAHP Will Respond to All Sexual Harassment Complaints

All employees, volunteers, and contractors are advised that if a complaint concerning a violation of this policy is made, DAHP is under a legal obligation to respond. DAHP will take the necessary steps to ensure that the matter will be promptly investigated and addressed in a discrete yet timely manner.

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Process When a Complaint Is Filed

Investigative procedures depend on the nature and the extent of sexual harassment and the context in which the alleged incidents occurred. Appropriate investigative procedures will include an informal review followed by a formal investigation. All employees, contractors, and volunteers are required to cooperate. Management shall inform the complainant of the completion of the investigation and whether their allegations were substantiated.

An Internal Investigation for Sexual Harassment Will Be Kept Confidential

All efforts shall be made during the investigation process to maintain confidentiality to the extent possible. However, once an investigation is completed, confidentiality can no longer be guaranteed. Completed investigative reports may be subject to public disclosure

Retaliation Not Tolerated

Retaliation against employees, volunteers, contractors or other persons having business with DAHP who report sexual harassment or who participate in an investigation will not be tolerated. Any employee, volunteer, or contractor found to have retaliated will be subject to corrective or disciplinary action, up to and including termination.

PRIMARY ROLES AND RESPONSIBILITIES FOR SEXUAL HARASSMENT WITHIN DAHP*

Role	Responsibilities
Employee/ Volunteer/ Contractor	<p>All employees and volunteers shall take responsibility for creating and maintaining a work environment free of sexual harassment. Any employee or volunteer who believes they are being sexually harassed by another employee or a DAHP volunteer or other person having business with DAHP, should immediately notify their supervisor. If the alleged harasser is their supervisor, the employee should notify their supervisor's supervisor.</p> <p>All employees must attend sexual harassment training within the first six months of employment and every two years thereafter.</p>
Other Persons	<p>Other persons having business with DAHP may report incidents of sexual harassment by an employee, volunteer, or contractor of DAHP to the Director, Deputy Director or to the supervisor of the unit in which the alleged harasser works.</p>

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<p>Directors/ Supervisors</p>	<p>DAHP Director, Deputy Director, and supervisors have an ongoing obligation to respond immediately to sexual harassment in the workplace. When they are informed of or receive a sexual harassment complaint, they will immediately assess the situation and they will report all allegations to the Director. If appropriate, the supervisor and/or the Director may resolve the situation quickly by talking to the parties involved. If they are unable to resolve the situation and further action is required, the Director or Deputy Director will contact the agency's Department of Enterprise Services (DES) Human Resource (HR) Consultant to determine the appropriate response and investigative procedure.</p> <p>All supervisors must attend sexual harassment training within the first six months of employment and every two years thereafter.</p>
<p>Agency Deputy Director or Director and DES HR Consultant</p>	<p>The Director and/or Deputy Director and the DES HR Consultant shall promptly decide on the next steps. The next steps will depend on the nature of the complaint and the context in which the alleged incidents occurred and may include a preliminary and/or a formal investigation.</p> <p>Every effort will be made to complete the investigation in a timely manner. Upon completion of the investigation, the findings will be shared with the Director, Deputy Director and/or the supervisor. If the finding is that sexual harassment occurred, corrective or disciplinary action will be taken up to and including termination.</p> <p>The DES HR Consultant will follow-up with the individual who filed the complaint once the investigation is complete.</p>
<p>Staff Cooperation</p>	<p>Managers, supervisors, employees, volunteers, and contractors are required to cooperate in all phases of an investigation. It is also an expectation that all staff will cooperate to minimize disruption and stress in the work unit by refraining from unnecessary dissemination of information and speculation regarding the alleged acts or investigation. After completion of the investigation and any necessary personnel action, management may provide follow up information to affected individuals, witnesses, staff or the work unit where appropriate.</p>

- Note: In all actions described above, notes and/or records of decisions shall be made and kept in a secured location.

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WAC's and references that apply to this policy

RCW 49.60.030 (freedom from discrimination)

RCW 43.01.135 (policy requirement)

Title VII U.S. Civil Rights Act of 1964 as amended in 1972

RCW 41.06.395 (training programs)

Executive Order 89-01 (sexual harassment)

EEOC Guidelines 29 C.F.R. 1604.11

WACs 357-34-100 through 125 (sexual harassment awareness and prevention training)

RCW 49.60 (Washington State Law Against Discrimination)