

Sexual Harassment Policy

(National Center for Nonprofit Boards)

Policy:

Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, sex, age, or national origin. Sexual harassment is included among the prohibitions. It is the _____ Conservation District's policy to promote a work place free from sexual harassment. Each individual has the right to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices, including sexual harassment. At the _____ Conservation District, sexual harassment, whether verbal, physical, or environmental, is unacceptable and will not be tolerated.

Definition:

For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term of 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 offensive working environment.

Examples of sexual harassment include, but are not limited to: unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; repeated sexual jokes, flirtation, advances or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, whistling, touching, pinching; suggestive, insulting, or obscene comments or gestures of a sexual nature; display in the work place of sexually-suggestive objects or pictures.

Guidelines:

- This policy covers all employees of the _____ Conservation District. The District will not tolerate, condone, or allow sexual harassment, whether engaged in by fellow employees, supervisors, managers, or by outside clients or other non-employees who conduct business with the District. The District encourages reporting of all incidents of sexual harassment regardless of who the offender may be.
- All supervisory personnel within the agency are responsible for eliminating any and all forms of sexual harassment of which they are aware. Any management personnel who are made aware of sexual harassment and fail to take corrective action pursuant to this policy will be subject to discipline up to, and including, termination.
- While the _____ Conservation District encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome, the District also recognizes that power and status disparities between an alleged person harassing and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either

ineffective or impossible, the employee's superiors should be contacted through the procedure outlined below. The _____ Conservation District will not in any way retaliate against an individual who makes a report of sexual harassment, nor will the District permit any supervisor, officer, or employee to do so. Retaliation is a serious violation of this sexual harassment policy and should be reported immediately.

Procedures:

- A report of an alleged violation of this policy should be made immediately to the District Manager (or the District Chair if the District Manager is the accused.)
- An investigation of the alleged harassment will be handled in a confidential manner so as to protect the privacy of persons involved. Confidentiality will be maintained throughout the investigative process to the extent practical and appropriate under the circumstances. In pursuing the investigation, the District will try to take the wishes of the complainant into consideration, but will thoroughly investigate the matter as appropriate under the circumstances. The alleged person harassing will be made aware of the alleged harassment and will be given an opportunity to respond and present witnesses. The District will keep the complainant informed as to the status of the investigation. Upon completion of the investigation of a sexual harassment complaint, the District Board will take appropriate action. If the District Board concludes that harassment occurred, the person harassing will be subject to appropriate disciplinary procedures, as described below. The complainant will be informed of the disciplinary action taken.
- In the event that the harassment cannot be substantiated, this finding will be communicated to the complainant in an appropriately sensitive manner. The complainant is always free to provide additional evidence that will also be investigated.
- If either party directly involved in a sexual harassment investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision. The dissatisfied party should submit his/her written comments in a timely manner to the Board Chair.
- Employment conditions of the offended party and witnesses will be in no way adversely affected through use of this procedure.
- Individuals found to have engaged in misconduct constituting sexual harassment will be severely disciplined, up to and including discharge. Appropriate sanctions may include written reprimand, referral to counseling, withholding pay, or termination.
- If an investigation results in a finding that the complainant falsely accused another of sexual harassment knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions, including the possibility of termination.

(*** Note – “Attachment A” of the Chapter 102/105/NPDES Delegation Agreements between Conservation Districts and the Department of Environmental Protection states that “The Contractor and any subcontractors shall establish and maintain a written sexual harassment policy and shall inform employee of the policy. The policy must contain a notice that sexual harassment will not be tolerated and employees who practice it will be disciplined.”)