Sexual Harassment

Rhode Island Department of Children, Youth and Families

Policy: 200.0075

Effective Date: September 15, 1986 Revised Date: January 22, 2002 Version: 2

All State employees, through Governor's Executive Order, must be permitted to work in an atmosphere which is free of harassment of a sexual nature. Sexual harassment is viewed as a distasteful behavior which undermines the integrity of the work place and results in deleterious employment consequences to its victims. It is, therefore, the policy of the Department to take all steps necessary to deter sexual harassment from occurring.

Sexual harassment is defined to be repeated, unwarranted conduct or communication of a sexual nature which adversely affects a person's employment or working environment. It may include verbal harassment or abuse, subtle pressure, unnecessary patting or pinching, or demanding of sexual favors. These demands may or may not be accompanied by implied or overt threats concerning an individual's employment status and may involve intimidation by a person of either sex against a person of the opposite or same sex.

Additionally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or (3) 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.

Sexually oriented mannerisms or language do not constitute sexual harassment unless they present a threat or clear implication of adversely affecting the employees employment opportunity. Inappropriate behavior which has sexual connotations but does not meet the test of sexual harassment may constitute "conduct unbecoming a State employee" (Personnel Rule 6.02).

The Department ensures that all new employees are provided with appropriate information regarding sexual harassment through the State Equal Opportunity Office. Supervisory personnel are provided with information on the problems and consequences of sexual harassment and their role in taking corrective action. All new employees are required to attend a training session on sexual harassment which is provided through the Office of Human Resources as part of their orientation program.

Department employees who may have sexual harassment complaints may seek advice from the Department's Office of Human Resources or the Department's Equal Opportunity Officer. If a formal complaint is to be filed, the procedures listed below shall be followed with the State Equal Opportunity Office. In determining whether the alleged conduct constitutes sexual harassment, the State Equal Opportunity Officer will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred.

Related Procedure...

Filing Sexual Harassment Complaints

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Procedure From Policy 200.0075: Sexual Harassment

A. If a person believes he/she is a victim of sexual harassment, the following procedures are recommended.
   1. Document,
   2. Identify in your mind exactly what has happened,
   3. Tell the harasser that his/her behavior is unwelcome and to please stop,
   4. If the harasser is a co-worker, report the behavior to your supervisor and to his/her supervisor if different,
   5. If your supervisor is the harasser, report the behavior to his/her supervisor or the Affirmative Action Officer,
   6. Get witnesses who have seen what you are complaining about or who have also been harassed; and
   7. If the behavior continues, file a complaint in accordance with the Department's internal procedures or with the State Equal Opportunity Office.

B. According to the Equal Employment Opportunity Commission policy, in determining whether harassment is sufficiently severe or pervasive to create a hostile environment, the alleged harasser's conduct should be evaluated from the standpoint of a "reasonable woman". This standard was established because a woman's perception of behavior differs substantially from a man's.

C. The following are examples of sexual harassment:
   1. Making sexual comments about a person's body;
   2. Making sexual comments or innuendoes;
   3. Telling sexual jokes or stories;
   4. Repeatedly asking out a person who is not interested;
   5. Blocking a person's path;
   6. Displaying sexually suggestive visuals; and
   7. Making sexual gestures with hands or through body movements.

D. Supervisors are an integral part in the prevention, recognition, and resolution of sexual harassment situations within their work area. Supervisors are responsible to maintain a work environment that is free from sexual harassment.

E. Prior to filing a formal complaint, it is advised that the employee alleging sexual harassment first contact the Department's Equal Opportunity Officer or the Department's Office of Human Resources to seek advice, counsel, or conciliation on sexual harassment situations.

F. The State Equal Opportunity Office will accept from both State employees and applicants for State employment complaints of sexual harassment:
   1. A complaint must be filed formally on the Complaint of Discrimination Form available through the State Equal Opportunity Office within ten (10) working days from the knowledge of the alleged incident of discrimination, unless it is an ongoing discrimination;
   2. An Equal Opportunity Officer will be assigned to investigate the complaint;
   3. The Agency Director (Respondent) will be notified of the alleged charge;
   4. Upon the completion of the investigation, the State Equal Opportunity Officer will make a determination as to the probable cause based on the summary of facts;
   5. When probable cause is not evident, the parties are so informed by the State Equal Opportunity Office;

6. ~~When there is probable cause of discrimination or harassment, the State Equal Opportunity Office will try to conciliate the complaint;~~

7. ~~If an agreement between both parties is not reached, a formal hearing will be scheduled and a Hearing Officer will be assigned by the State Equal Opportunity Office;~~
8. ~~When it has been determined by the Hearing Officer that discrimination or harassment exists, the Hearing Officer will advise the State Equal Opportunity Office in writing. The State Equal Opportunity Office will then by written notification present the findings and recommend corrective action to both parties; and~~
9. ~~If the corrective action is not implemented within the specified time frame, the State Equal Opportunity Office will notify the Governor.~~