

## Agency Name

### Transit Policies and Procedures

<b>Subject</b>	Sexual Harassment Policy
<b>Section</b>	Personnel
<b>Effective Date</b>	
<b>Approved By</b>	
<b>Approval Date</b>	

#### **Purpose**

Develop a written policy defining sexual harassment and the procedure for filing a sexual harassment complaint.

#### **Definitions**

*Sexual harassment:* Unwelcome and inappropriate sexual remarks or physical advances in a workplace.

#### **Procedure**

Create a policy that defines sexual harassment in the workplace and provides a procedure for filing a sexual harassment complaint. Sexual harassment occurs through unsolicited and unwelcome sexual advances, requests for sexual favors, or when verbal or physical conduct of a sexual nature is made explicitly or implicitly a term or condition of employment, used as a basis for an employment decision, unreasonably interferes with an employee's work performance, or creates an offensive environment.

Sexual harassment may take different forms. The following are examples of verbal, nonverbal, and physical sexual harassment. These examples are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy.

- Verbal harassment includes innuendoes, jokes of a sexual nature, lewd remarks and threats, propositions, unwelcome requests for dates, and "kidding" that is oriented toward a prohibitive form of harassment.
- Nonverbal harassment includes displays of written or graphic material, suggestive or insulting sounds, staring, whistling, obscene gestures, and distribution of sexual content in letters, emails, or text messages.
- Physical harassment includes unwanted physical contact including touching, tickling, pinching, hugging, cornering, or fondling.

No hardship, loss, benefit, or penalty may be imposed on any employee for filing or responding to a harassment complaint, appearing as a witness in the investigation of a complaint, or serving as an investigator of a complaint. All complaints and investigations shall be treated confidentially to the fullest extent possible. During the investigation, the identity of the complainant may be

revealed to the parties involved. All information pertaining to a complaint or investigation will be maintained in secure files within the Human Resources Department.

A recommended procedure for reporting and addressing sexual harassment complaints is as follows:

- Complaints should be submitted in writing to the Human Resources Manager as soon as possible after an incident has occurred.
- Upon receiving a complaint, the Human Resources Manager will review the complaint.
- The Human Resources Manager will initiate an investigation to determine if the alleged violation of the policy occurred.
- The complainant and respondent will be separated during the investigation, either through internal transfer or administrative leave if necessary.
- The Human Resources Manager will interview the complainant, the respondent, and any witnesses to determine whether the alleged conduct occurred.
- The Human Resources Manager will submit a written report of the findings to the Transit Director. If it is determined that a violation of the sexual harassment policy occurred, the Human Resources Manager will recommend appropriate disciplinary action.
- The Transit Director will review the investigative report and any statements submitted by the complainant or respondent, discuss the results with the Human Resources Manager and appropriate management staff, and determine what action, if any, will be taken.
- After the final decision is made, the Human Resources Manager will meet with the complainant and the respondent separately and notify both parties of the investigation results. If applicable, the respondent will also be informed of any disciplinary action.

### **Responsibilities**

It is the responsibility of all employees to refrain from sexual harassment. The Human Resources Manager and the Transit Director are responsible for reviewing and investigating complaints.