

SEXUAL HARASSMENT



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SCOPE STATEMENT:

The Department of Natural Resources (DNR) is committed to providing a workplace free of sexual harassment. The policy is necessary to address and prohibit sexual harassment in the workplace. DNR is a place where all employees, regardless of their position, are accountable for their actions and empowered to give and receive constructive feedback to ensure a harassment free workplace. DNR recognizes sexual harassment compromises the integrity of the employment relationship and may negatively affect an employee's mental, emotional, and sometimes physical wellbeing.

This policy applies to all employees, volunteers, contractors, and individual(s) doing business with DNR.

POLICY:

Sexual harassment in the workplace and retaliation are prohibited by the Washington Law Against Discrimination (Chapter 49.60 RCW) and Title VII of the Civil Rights Act of 1964.

It is DNR's policy to have a workplace free of sexual harassment. It is also DNR's policy to prohibit retaliation against any person reporting or opposing sexual harassment as well as those assisting and/or participating in the investigation of sexual harassment claims.

DNR requires all managers and supervisors to report allegations of sexual harassment or retaliation brought to their attention to the appropriate Appointing Authority and Human Resources Appointing Authority or designee.

DNR will promptly investigate allegations of sexual harassment and retaliation. If the allegations are substantiated, DNR will take appropriate corrective action up to and including dismissal.

I. Reporting

A. Employees, volunteers, contractors, and individual(s) doing business with DNR who observe, or are subjected to, sexual harassment or retaliation may do any of the following:

1. Directly identify the behavior to the harasser/retaliator and demand it immediately stop.
2. Notify their supervisor immediately of the behavior.
3. Notify the appropriate Appointing Authority or Human Resources Appointing Authority or designee of the offensive behavior or request their supervisor do so on their behalf.

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- B. All employees, volunteers, contractors, and individual(s) doing business with DNR may file a complaint either verbally or in writing with the appropriate Appointing Authority or Human Resources Appointing Authority or designee. All complaints of sexual harassment or retaliation will be reviewed following the DNR Employee Investigations Policy, PO01-046.
- C. Employees, volunteers, contractors, and individual(s) doing business with DNR may also file complaints with the Washington State Human Rights Commission or the federal Equal Employment Opportunity Commission.

II. Supervisor/Manager Responsibilities

- A. Supervisors/managers have a duty to promote a safe workplace which includes the prevention of sexual harassment and retaliation. When a supervisor/manager becomes aware of alleged sexual harassment or retaliation, the supervisor/manager shall promptly notify the Appointing Authority and Human Resources Appointing Authority or designee.
- B. After a supervisors/managers reports sexual harassment and/or retaliation, they shall not disclose the details of any report except to comply with any ongoing investigation or fact-finding of the allegations.
- C. Supervisors/managers may refer reporting employees to the state Employee Assistance Program as necessary.
- D. Supervisors/managers who fail to take immediate action to prevent and/or report sexual harassment or an act of retaliation, will be subject to appropriate corrective action up to and including termination.

III. Appointing Authority Responsibilities

- A. When an Appointing Authority becomes aware of alleged sexual harassment or retaliation, they will notify the Human Resources Appointing Authority or designee.
- B. The Appointing Authority in conjunction with the Human Resources Appointing Authority or designee will initiate a fact-finding or investigation into a report of alleged sexual harassment or retaliation.
- C. Appointing Authorities who fail to take immediate and appropriate action to prevent and/or report sexual harassment or an act of retaliation, will be subject to corrective action where appropriate up to and including termination.

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IV. Investigative Responsibilities

A. Handle all aspects of an investigation in an impartial manner to include but not limited to:

- determine appropriate individuals to interview;
- work with Appointing Authorities to issue investigation notices;
- conduct interviews;
- gather evidence;
- draft investigative report; and
- work with outside contracted investigation firms as appropriate.

B. Only disclose information to individuals on a need to know basis.

C. Investigations into sexual harassment allegations, where potential conflicts of interest or bias exist, or there are allegations against an Appointing Authority, the agency will contract with an external investigation firm to conduct the investigation.

V. Investigative Findings

A. The appropriate Appointing Authority and Human Resources staff will receive findings.

B. The Appointing Authority will initiate appropriate disciplinary action up to and including dismissal.

VI. Documentation

All investigations will follow record retention policies and be kept separate from personnel files. Any personnel action taken due to an investigation, will be kept in personnel files or contractor files following record retention policies.

Education and Training

DNR's training department will assign, track, and notify employees and supervisors of mandatory training(s) through quarterly reporting sent to appointing authorities.

All DNR employees and supervisors must attend sexual harassment awareness and prevention training within the first six months of appointment to DNR and/or into a supervisory position and attend subsequent refresher training every three years. Training topics include but are not limited to:

- sexual harassment prevention

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- A manager telling an employee they will fire them if they do not have sex with the manager.
- A person in a position of power promising to offer opportunities or remove them based on willingness to engage in sexual favors.
- **Hostile Work Environment** – Harassment arises when speech or conduct is so severe and pervasive it that creates an intimidating or demeaning environment or situation that negatively affects a person's job performance. Unlike quid pro quo harassment, this type of harassment can be perpetrated by anyone in the work environment, including a peer, supervisor, subordinate, vendor, customer or contractor. Hostile work environment situations are not as easy to recognize, given that an individual comment or occurrence may not be severe, demeaning behavior may occur that is not based on sex, and there may be long periods between offensive incidents.

Examples of conduct that might create a hostile work environment may include: inappropriate touching, texts, e-mails, vulgar or lewd comments or jokes, repeated requests for dates and a work environment where offensive pictures are displayed.

REFERENCES & CITATIONS:

PO01-031 Violence in the Workplace
PO01-037 Harassment Prevention
PO01-042 Discipline
PO01-046 Employee Investigations
PO01-051 Safe and Respectful Workplace
PR01-046 Employee Investigations
[RCW 49.60 Discrimination – Human Rights Commission](#)
[29 CFR 1604.11](#) Title 29, Part 1604 – Guidelines on Discrimination because of sex
[Title VII, Civil Rights Act of 1964](#)
[WAC 357-25-027](#) – Sexual Harassment Policy
Behaviors in the Workplace - Attachment

DOCUMENT BACKGROUND:

New document separate from *PO01-037 Harassment Prevention*.

REVISION HISTORY:

Date	Comments/ Summary of changes
1/19/2023	New.