



OFFICE OF ADMINISTRATION ADMINISTRATIVE POLICY

POLICY TITLE: Sexual Harassment	AUTHORIZED BY: Kelvin L. Simmons Commissioner
POLICY: B-26	PAGE: 1 of 3
ISSUED: August 1, 1988	REVISED: September 2011

I. General Statement

The Office of Administration (OA) is committed to creating a professional and productive environment for its employees and for those it serves. In furtherance of that commitment, OA will not tolerate sexual harassment.

OA supervisors and managers are responsible for helping create a professional and productive environment free of sexual harassment.

If OA has reasonable cause to believe that unlawful or inappropriate conduct is occurring, then it will take appropriate action, which could include discipline or dismissal of an employee or agent.

OA supports and empowers employees to clearly communicate to persons who are engaging in unwelcome or inappropriate conduct that such conduct should stop immediately.

II. Definition

Sexual harassment may be 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 to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such 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. This type of sexual harassment is known as hostile environment sexual harassment. It exists when the sexual conduct is so pervasive and/or severe that it creates an abusive working environment.

Another type of sexual harassment is gender-based harassment. It does not involve explicit sexual behavior. Instead, it may include epithets, slurs and negative stereotyping of men or women, directed at a female or male employee. It could also include denigrating or hostile written material about the employee posted or circulated in the workplace. "Dumb blonde" jokes and male-bashing jokes could be examples of gender-based harassment. Harassment due to gender is similar to harassment due to race. If it is severe and/or pervasive enough to create an abusive working environment, then it can violate the law.

Acts of sexual harassment can be committed by a person of either sex, against a person of either sex.



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The following are examples of behaviors that must be avoided because they might be unlawful if they meet the definition of harassment.

1. Verbal conduct: sexual innuendo, suggestive comments, threats, insults, jokes about gender-specific traits, sexual propositions;
2. Non-verbal conduct: making suggestive or insulting noises, making obscene gestures, whistling, leering, and giving the employee “the once-over”;
3. Physical conduct: touching, pinching, brushing against, massaging, other sexual contact.

Employees who witness any such conduct should refrain from laughing or smiling.

III. Complaints

- A. Any employee who believes that he or she has been sexually harassed shall immediately initiate a formal complaint with any of the following OA representatives:
 1. His or her supervisor, or if the employee believes that the supervisor is involved in the sexual harassment or will not be impartial, then the employee may report the complaint to the supervisor's immediate or subsequent supervisor(s) with whom the employee feels comfortable reporting;
 2. The Human Resource contact person within the employee's Division;
 3. The Human Resources Director for OA. The Human Resources Director can be contacted at Truman Building, Room 430, Jefferson City, MO 65102, telephone number (573) 522-4169; or
 4. The Deputy Commissioner of OA. The Deputy Commissioner's contact information is: Commissioner's Office, Capitol Building, Room 125, Jefferson City, MO 65102, telephone number (573) 751-1851.
- B. All formal complaints will be reviewed by the Human Resources Director and appropriate action will be taken to address the complaint. Confidentiality will be maintained to the extent reasonably possible under the circumstances.
- C. Any OA employee receiving a complaint shall provide the complaint and related information to the Human Resources Director.



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D. The Human Resources Director is available to advise employees concerning the procedure to be followed in making a complaint of sexual harassment or to otherwise assist in the process of handling complaints.

IV. **Prohibition Against Retaliation**

The Office of Administration prohibits retaliation against any person who in good faith files a complaint of sexual harassment, or who testifies, assists, or participates in any investigation, proceeding or hearing conducted pursuant to an allegation of sexual harassment. Retaliation is a serious violation of this policy, and any employee who retaliates will be appropriately disciplined. Any employee who believes that he or she has been retaliated against shall immediately report it to any of the four contacts listed above.