

SEXUAL HARASSMENT

- Policy Number:** HR-103
- Effective Date:** Approved by the **Eastern Washington State Historical Society (EWSHS)** Board of Trustees on September 2, 2020.
- Application:** Applies to all employees, volunteers, and contractors of the EWSHS.
- History:** This policy updates and renumbers BP 122 dated February 1, 2017. BP 122 replaced HR #106.
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Article I PURPOSE.

- 1.1: To prohibit sexual harassment in the workplace.
- 1.2: To detail the agency's sexual harassment policy and procedures

Article II DEFINITIONS

2.1: The federal Equal Employment Opportunity Commission (Section 1604.11) defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when any one of three criteria is met:

- 2.1.1: Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- 2.1.2: Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- 2.1.3: Such behavior has the purpose or effect of unreasonably interfering with an individual's work performance creating an intimidating, hostile or offensive work environment.

2.2: Sexual harassment can be in the form of verbal behavior such as unwanted sexual comments, suggestions, jokes or requests for sexual favors. It can be in the form of any non-verbal behavior which may include gestures, leering, pictures or cartoons and physical behavior such as assault, molestation, touching or repeated brushing against a person's body.

Article III POLICY STATEMENT

3.1: The EWSHS is committed to providing a working environment that is free from sexual harassment of any kind. Everyone must understand that sexual harassment is an unacceptable practice and will not be tolerated in the workplace.

3.2: Sexual harassment is a form of sex discrimination and is an unlawful employment practice under Title VII U.S. Civil Rights Act of 1964, RCW 49.60 (Washington State Law Against Discrimination) and Washington State's Executive Order 89-01. Sexual harassment will not be tolerated.

3.3: The EWSHS is committed to providing equal employment opportunities. Therefore, it is a violation of this policy to: (1) discriminate in the provision of employment opportunities, benefits, or privileges; (2) create discriminatory work conditions; or (3) use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, based on membership in a protected class, or retaliation for assisting the investigation of a complaint.

3.4: Sexual harassment is misconduct that undermines the integrity and quality of the workplace and employment relationships and is unfair to the employee, volunteer or contractor who is subjected to it and their coworkers. All employees, volunteers, and contractors must be allowed to work in an environment free from unsolicited and unwelcome sexual overtones. Sexual harassment hurts morale and interferes with the work productivity of victims, co-workers, and harassers.

3.5: The EWSHS will provide training and education to employees, volunteers, and contractors to prevent and eliminate sexual harassment in the workplace. All employees must attend sexual harassment training within the first six months of employment and every five years thereafter. Training will also be provided to supervisors and managers on how to handle sexual harassment complaints. All supervisors and managers must attend sexual harassment training within the first six months of employment and every three years thereafter.

3.6: The EWSHS does not intend to regulate social interaction or relationships which are consensual, voluntary, and freely entered into by employees or individuals performing business with the office where such relationships do not impact the performance of professional duties.

Article IV

MAINTAINING A WORK ENVIRONMENT FREE FROM SEXUAL HARASSMENT

4.1: All the **EWSHS** employees and volunteers and other persons having business with the agency are responsible to maintain a work environment free from sexual harassment.

4.2: Employees, volunteers, and contractors determined to be in violation of this policy will be subject to appropriate corrective or disciplinary action, up to and including termination.

Article V

MANAGEMENT ROLE IN PROVIDING A WORK ENVIRONMENT FREE FROM SEXUAL HARASSMENT

5.1: It is the responsibility of managers and supervisors to clearly communicate the policy to all employees and volunteers and to provide training to new employees during the orientation phase of their employment.

5.2: Managers and supervisors shall review the sexual harassment policy annually with staff.

5.3: Managers and supervisors must also take reasonable steps to prevent sexual harassment in their work units and take immediate corrective action if they become aware of sexual harassment. Failure to do so may result in corrective or disciplinary action, up to and including termination.

**Article VI
FILING A SEXUAL HARASSMENT COMPLAINT**

6.1: All employees, volunteers, contractors, and other persons having business with the EWSHS have an important role in helping to maintain a work environment free from sexual harassment. To this end, all employees, volunteers, contractors, and other persons having business with the EWSHS, whether victims or bystanders, are encouraged to file a complaint with the EWSHS Human Resources Consultant under this policy, the Washington State Human Rights Commission under RCW 49.60 or with the Federal Equal Employment Opportunity Commission under Title VII of the Civil Rights Act of 1964.

6.2: The EWSHS Will Respond To All Sexual Harassment Complaints. All employees, volunteers, and contractors are advised that the EWSHS is under a legal obligation to investigate alleged violations of this policy and take appropriate action.

**Article VII
PROCESS WHEN A COMPLAINT IS FILED**

7.1: Investigative procedures depend on the nature and the extent of sexual harassment and the context in which the alleged incidents occurred. Appropriate investigative procedures may include informal review or a formal investigation and will be conducted in a prompt and sensitive manner. All employees and volunteers are required to cooperate.

7.2: Management shall inform the complainant of the completion of the investigation and whether their allegations were substantiated.

7.3: All efforts will be made during an internal investigation process to maintain confidentiality to the extent possible. Once an investigation is completed, confidentiality can no longer be guaranteed. Completed investigative reports may be subject to public dissemination in accordance with state law.

**Article VIII
RETALIATION**

8.1: Retaliation against employees, volunteers, contractors or other persons having business with the **EWSHS** who report sexual harassment or who participate in an investigation will not be tolerated.

8.2: Any employee, volunteer or contractor found to have retaliated will be subject to corrective or disciplinary action, up to and including termination.

**Article IX
COMPLIANCE**

9.1: This policy applies to all EWSHS employees, contractors and volunteers. The directives indicated here are not optional, and failure to follow them may lead to discipline, up to and including termination. In addition, these directives and goals will be used in annual evaluations for supervisors/managers as a specific competency required for satisfactory job performance. Supervisors/managers will be expected to explain how they worked to comply, achieve, and exceed the goals identified in this policy.

9.2: The EWSHS Board of Trustees will review this policy once every other year for changes and effectiveness. As part of that review, the following data and criteria will be used to determine the success of this policy:

- 9.2.1: By 2021, the total number of days it takes to intake, respond, investigate (if necessary) and take appropriate action on an employee complaint may not exceed, on average, 60 days unless there are extenuating circumstances.
- 9.2.2: Every month for an entire year, a different executive leader will present at an employee town hall different aspects of the importance of this policy to leadership and in meeting our diversity, and equity and inclusion goals.
- 9.2.3: Human resources staff will host a quarterly lunch and learn forum for employees to provide input and suggestions on this policy and the actions of leaders to create an environment free from discrimination, harassment and sexual harassment. This feedback will be considered as part of the annual review to determine the success of this policy and DOB's efforts.

Primary roles and responsibilities for Sexual Harassment within the EWSHS.

Role	Responsibilities
Employee/ Volunteer/ Contractor	<p>All employees and volunteers shall take responsibility for creating and maintaining a work environment free of sexual harassment. Any employee or volunteer who believes they are being sexually harassed by another employee of the EWSHS, volunteer or other person having business with the EWSHS, should immediately notify their supervisor. If the alleged harasser is their supervisor, the employee should notify their supervisor's supervisor.</p> <p>All employees must attend sexual harassment training within the first six months of employment and every five years thereafter.</p>
Other Persons	<p>Other persons having business with the EWSHS may report incidents of sexual harassment by an employee, volunteer or contractor of the EWSHS to the Executive Director or his/her designee.</p>
Supervisor/ Manager	<p>The EWSHS supervisors and managers have an ongoing obligation to respond immediately to sexual harassment in the workplace. When they are informed of or receive a sexual harassment complaint, they will immediately assess the situation and they will report all allegations to the Executive Director. If appropriate, the supervisor or manager and the Executive Director may resolve the situation quickly by talking to the parties involved. If they are unable to resolve the situation and further action is required, the Executive Director will contact the agency's Department of Enterprise Services (DES) Human Resource (HR) Consultant to determine the appropriate response and investigative procedure.</p> <p>All supervisors must attend sexual harassment training within the first six months of employment and every three years thereafter.</p>
Agency Deputy Director or Director and DES HR	<p>The deputy director or director and the DES HR Consultant shall promptly decide on the next steps. The next steps will depend on the nature of the complaint and the context in which the alleged incidents occurred and may include a preliminary or a formal investigation.</p> <p>Every effort will be made to complete the investigation in a timely manner.</p>

Consultant	<p>Upon completion of the investigation, the findings will be shared with the director or the deputy director. If the finding is that sexual harassment occurred, corrective or disciplinary action will be taken up to and including termination.</p> <p>The DES HR Consultant will follow-up with the individual who filed the complaint once the investigation is complete.</p>
Staff Cooperation	<p>Managers, supervisors, employees, volunteers, and contractors are required to cooperate in all phases of an investigation. It is also an expectation that staff in the work area where the incident occurred and others involved in the investigation will cooperate to minimize disruption and stress in the work unit by refraining from unnecessary dissemination of information and speculation regarding the alleged acts or investigation. After completion of the investigation and any necessary personnel action, management may provide follow up information to affected individuals, witnesses, staff or the work unit where appropriate.</p>

WAC's and references that apply to this policy

RCW 49.60.030 (freedom from discrimination)	Executive Order 89-01 (sexual harassment)
RCW 43.01.135 (policy requirement)	EEOC Guidelines 29 C.F.R. 1604.11
Title VII U.S. Civil Rights Act of 1964 as amended in 1972	WACs 357-34-100 through 125 (sexual harassment awareness and prevention training)
RCW 41.06.395 (training programs)	RCW 49.60 (Washington State Law Against Discrimination)