POLICY TITLE: Reporting Sexual Harassment in the Workplace		PAGE 1 OF 8
	CHILD AND FAMILY SERVICES AGENCY **Approved by:** **Brenda Donald** Agency Director **Date:** **May 4, 2012**	**REVISION HISTORY:** April 25, 2007
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I. AUTHORITY	The Director of the Child and Family Services Agency (CFSA) adopts this policy to be consistent with the Agency's mission and applicable Federal and District of Columbia laws and regulations including Title VII of the Civil Rights Act of 1964, as amended (PL 88-352, § 703; 42 USC § 2000e-2); District of Columbia Human Rights Act, effective December 13, 1977 (DC Law 2-38; DC Official Code § 2-1401.01 *et seq*.) (2001); Title IV, Chapter 1 of the DC Municipal Regulations (DCMR § 4-101 *et seq*.); and Mayor's Order 2004-171 (October 20, 2004), Sexual Harassment.
II. APPLICABILITY	This policy applies to all employees of CFSA, and all third parties doing business with, or carrying out the goals and objectives of CFSA (i.e., vendors, interns, volunteers, customers, clients, and contractors).
III. RATIONALE	Sexual harassment is recognized as one of the most invidious, demeaning, and demoralizing examples of workplace misconduct. Further, sexual harassment creates an environment which is incompatible with an individual's right to work or receive services without fear, intimidation, coercion, or exploitation. Lastly, sexual harassment constitutes a violation of the civil laws of the District of Columbia and of the United States. Therefore, CFSA has established a policy of "zero tolerance" for sexual harassment in the workplace.
IV. POLICY	It is the policy of CFSA to value the principle of the rights of all employees and third parties doing business with or carrying out the goals and objectives of CFSA. Each person has a right to be in a work environment or to receive services free from discrimination and harassment. Any and all forms of sexual harassment in the workplace are strictly prohibited. CFSA's policy adheres to the provisions stated in DCMR § 4-102.1. It shall be the policy of the Government of the District of Columbia in connection with any aspect of District government employment to do the following: 1. To prohibit sexual harassment 2. To prohibit retaliation for filing Equal Employment Opportunity (EEO) complaints 3. To provide equal employment opportunity for all persons

	4. To prohibit discrimination in employment because of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, matriculation, political affiliation, genetic information and disability Lastly, it is CFSA's policy that under no circumstance shall any employee, supervisor, manager, or other person acting on his or her behalf, or under his or her direction, retaliate against, harass, or coerce an employee because that employee has filed or asserted a claim of sexual harassment, assisted another person in filing or asserting a claim of sexual harassment, opposed sexual harassment, been a witness in a sexual harassment investigation, or challenged an allegation of sexual harassment on or off the premises of CFSA.
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VII. PROCEDURES	**Procedure A: Sexual Harassment Defined** As stated in the Mayor's Order 2004-171: 1. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when any one of the following criteria is present: a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment. b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual. c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. 2. The following are examples of conduct that may create an intimidating, hostile or offensive work environment: a. Sexually oriented or sexually degrading language describing an individual or his/her body, clothing, hair, accessories or sexual experiences b. Sexually offensive comments or off-color language, jokes, or innuendo that a reasonable person would consider to be of a sexual nature, or belittling or demeaning to an individual or a group's sexuality or gender c. The display or dissemination of sexually suggestive objects, books, magazines, photographs, music, cartoons, or computer internet sites or references

d. Unnecessary and inappropriate touching or physical contact, i.e. brushing against a colleague's body, touching or brushing a colleague's hair or clothing, massages, groping, patting, pinching, and hugging, that a reasonable person would consider to be of a sexual nature

e. Leering or sexually suggestive gestures or sounds, e.g., whistling or kissing noises

f. Workplace sexual comments, conduct, displays, and suggestions between two willing parties that would cause a reasonable third party to be offended

g. Any unwanted repeated contact, including but not limited to, in-person or telephone, for romantic or sexual purposes

h. Sexual assault.

3. Sexual harassment may be committed by persons of either gender against persons of the same or different gender.

4. In addition to the prohibition of sexual harassment between co-workers, any act of sexual harassment or inappropriate conduct of a sexual nature between employees and clients or other parties involved with CFSA shall not be tolerated.

5. Sexual harassment is unlawful and prohibited during working hours or in the workplace, including but not limited to activities or events such as conferences, work functions, office holiday parties (on or off-site), and business trips.

Procedure B: Roles and Responsibilities of the CFSA Staff in Preventing Sexual Harassment

1. All CFSA staff members shall use their best efforts to help ensure a workplace that is free of sexual harassment by complying with this policy and fulfilling the following responsibilities:

   a. Refraining from engagement in any act that could constitute sexual harassment or any inappropriate conduct of a sexual nature

   b. Reporting any known incidents of sexual harassment to any supervisor or manager with whom the employee feels comfortable or to the appropriate Equal Employment Opportunity (EEO) counselor in the Human Resources Administration (HRA) (*See Procedure C*.)

   c. Cooperating in the investigation of sexual harassment complaints

   d. Maintaining complete confidentiality when providing information during the investigation of a complaint

2. In addition to complying with all mandates outlined in this policy, managers and supervisors are responsible for the following behaviors:

   a. Modeling appropriate behavior by refraining from engaging in any inappropriate conduct of a sexual nature or acts that could constitute sexual harassment.

   b. Monitoring the work environment to ensure that acceptable standards of conduct are observed at all times.

   c. Promoting the agency's sexual harassment policy within their individual administrations.

   d. Treating all complaints or concerns of sexual harassment seriously and taking immediate action to ensure that an investigation is conducted, or that other appropriate action is taken, pursuant to the procedures set forth in Procedure C below.

   e. Documenting and reporting all sexual harassment allegations and complaints to the appropriate chain of command and the EEO counselor.

   f. Maintaining the confidentiality of individuals who make a sexual harassment complaint. This means that the complaint shall be discussed only with those who have a legitimate administrative or legal reason to know about the complaint.

Procedure C. Reporting Sexual Harassment Allegations and Filing Complaints

CFSA aims to create a working environment where all individuals are treated with dignity, courtesy and respect**.** To this end, CFSA is committed to resolving allegations and complaints of sexual harassment as quickly and efficiently as possible. HRA is always available for employees to express their concerns about possible harassment and/or other violations of discrimination statutes, regulations, or policies, including the CFSA *Sexual Harassment in the Workplace* Policy. It should be noted that CFSA's authority to investigate sexual harassment complaints is limited to complaints lodged by or against individuals who are CFSA employees at the time the complaint is filed.

1. Any employee, who believes that he or she is being subjected to sexual harassment, should immediately take action by electing to do one of the following:

   a. Inform his or her CFSA supervisor or manager or another CFSA manager of the incident and request that the supervisor or manager resolve this issue through an informal process.

   b. File a formal complaint with the EEO counselor located in the HRA to initiate an investigation. The individual may also contact the EEO counselor for additional information.

   c. File a complaint directly with the District's Office of Human Rights (OHR) or with the appropriate federal agency, such as the Equal Employment Opportunity Commission (EEOC).

2. In the event that an employee is being subjected to harassment by his or her immediate supervisor, s/he may inform any other CFSA supervisor or manager, or directly inform the EEO counselor.

3. If the complainant is comfortable doing so, s/he should advise the alleged harasser that s/he views the harasser's comments, conduct, displays, or suggestions to be offensive, and thereby requests that the harasser cease the activity.

   - If the complainant does not feel comfortable addressing the alleged harasser, s/he may inform his/her or any other supervisor or manager of the circumstances. Either way, the alleged harasser shall be promptly informed of the allegation (*see Procedure E: Rights of the Alleged Harasser*).

4. Any supervisor or manager who has been informed of a sexual harassment allegation shall immediately complete each of the following tasks:

   a. Report the allegation to the CFSA EEO counselor in HRA as well as the alleged harasser's supervisor and appropriate chain of command.

   b. Notify the alleged harasser of the allegation.

   c. Address the complainant's concerns.

   d. Verify the allegations.

      i. Upon verification, the supervisor or manager shall inform the alleged harasser that the specific offensive behavior(s) shall not be tolerated in the work place, should cease immediately, should not be repeated, and may lead to termination of employment if the behavior continues.

      ii. The supervisor or manager shall also document all actions taken to resolve the complaint.

         - Documentation shall be forwarded within 2 business days of the complaint through the appropriate chain of command and to the EEO counselor.

5. HRA shall make the final determination regarding appropriate steps to resolve the complaint.

6. An employee who believes s/he is being subjected to sexual harassment, or a person acting on behalf of the employee (with or without the employee's consent), may elect to file a formal complaint requesting an investigation into the allegation.

   a. The complainant shall complete and submit a Sexual Harassment Formal Complaint Form (*see Attachment*) to any CFSA supervisor or manager or to the CFSA EEO counselor, or to any EEO counselor at any other District of Columbia agency.

b. The completed form must be submitted within 180 days from the time that the alleged incident occurred, and include the following information:

i. Specific allegations

ii. Name of the alleged harasser

iii. Any efforts made to resolve the matter

iv. Names of potential witnesses

7. Within 48 hours of receiving a formal complaint of sexual harassment, the supervisor or manager shall forward copies of the completed form through the alleged harasser's chain of command and to the EEO counselor.

8. CFSA's EEO counselor shall promptly initiate investigations of sexual harassment allegations.

   a. The EEO counselor shall notify the alleged harasser that a formal complaint has been filed, and that s/he has the right to provide a written response to the complaint within 2 business days of notification.

   b. The EEO counselor shall separately interview the complainant, the alleged harasser, and any witnesses.

   c. All parties to the investigation shall be treated with dignity and respect.

9. If the EEO counselor's investigation reveals that the complaint cannot be resolved internally, CFSA shall refer the matter to OHR.

10. Complainants filing directly with OHR must do so within 1 year of the alleged incident.

11. In order to secure statements from and conduct interviews of all participants in, and witnesses to, the alleged incident, an investigator shall be assigned from HRA for internal investigations, or from OHR or the EEOC for complaints lodged with either agency.

    a. All CFSA employees are expected to cooperate fully and promptly with requests from investigators for interviews and other information.

    b. If an employee who alleges, or is alleged to be the victim of sexual harassment, declines to assist or participate in the investigation of the allegation, CFSA may unilaterally initiate and conduct an investigation.

    c. Any employee who, upon the direct request of CFSA, declines to participate in an investigation, may be subject to disciplinary action. If the employee who declines to participate is the alleged victim, the Office of the General Counsel (OGC) shall be consulted prior to any disciplinary action taken.

    d. CFSA shall require that the complainant put in writing his/her decision to decline assistance and participation in the investigation

12. Within 21 calendar days of a complaint being filed, HRA shall provide the complainant with written notification of the final disposition or action taken.

13. Pending final resolution of a sexual harassment complaint, CFSA may at its own discretion, or upon the request of a complainant, take one or more of the following prompt personnel actions (that are administrative rather than disciplinary) on a temporary basis that does not result in any adverse employment action:
    a. Transfer
    b. Reassignment of duties
    c. Mandatory administrative leave with pay
    d. Other measures that do not result in reduction of pay or loss of employee benefits.

14. If the results of an investigation reveal that an employee has engaged in inappropriate behavior of a sexual nature, the employee shall be subject to disciplinary action up to and including termination.
    - If either CFSA or an appropriate law enforcement authority determines that a sexual assault has occurred, CFSA shall discipline the alleged harasser, up to and including termination of employment.

15. Any employee who believes that s/he has witnessed or knows of harassment should immediately take one of the following actions:
    a. Inform his or her supervisor or manager, the alleged harasser's supervisor, or another CFSA manager, and request an informal process to resolve the complaint, pursuant to steps # 2-5 above.
    b. File a formal complaint pursuant to step # 6 above.

Procedure D: Confidentiality

1. Sexual harassment investigations and any ensuing information or documents are subject to privacy and privilege rights and shall remain confidential.
    a. The complaint shall be discussed only with those who have a legitimate administrative or legal reason to know about the complaint.
    b. Information related to a complaint may still be subject to disclosure as required by District or federal law.

2. The investigator(s) and CFSA staff participating in the investigation shall make reasonable efforts to protect the identity of the alleged harasser and the complainant, as well as witnesses for either party.

Note: CFSA is not precluded from reporting a suspected illegal or improper act, or conduct related to the investigation, to an appropriate enforcement, investigating, or legal organization, or from cooperating in any related investigation

	Procedure E: Rights of the Alleged Harasser Persons accused of sexual harassment deserve the full protections afforded them under the law, including, but not limited to, the presumption of innocence, unless and until there is a finding of culpability. The following actions shall be afforded to the person accused of sexual harassment: 1. Prompt advisement that a complaint has been made 2. Information related to the specific substance of the complaint 3. An opportunity to respond to the allegations 4. Information on the type of procedure that the complainant chose for pursuing the complaint 5. An opportunity to have his or her questions answered before the commencement of any review or investigation 6. Advice concerning his or her rights to contest any disciplinary action taken against him or her
	Procedure F: Prohibition Against Retaliation Employees are encouraged to report sexual harassment or any other form of discrimination, and shall do so without fear of retaliation. CFSA shall take appropriate steps to protect an employee's assertion of rights under law. 1. Retaliation includes, but is not limited to the following circumstances: a. Arbitrary discipline, unwarranted change of work assignments, providing inaccurate work information, or failing to cooperate or discuss work-related matters with any employee because that employee has complained about, been a witness to or resisted harassment or discrimination b. Intentionally pressuring, falsely denying, lying about, or covering up or attempting to cover up any conduct such as that described in the item above. 2. Employees found to have engaged in retaliatory behavior shall be recommended for termination.
	Procedure G: False Reporting Any employee who is found to have knowingly and intentionally made materially false statements or representations in relation to any sexual harassment claim or investigation shall be subject to disciplinary action up to and including termination.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Child and Family Services Agency

SEXUAL HARASSMENT FORMAL COMPLAINT FORM

COMPLAINANT'S REPORT

Instructions: The complaint must be written and signed by the complainant. Please answer the following questions as completely as possible. Use additional paper as necessary.

Date complaint submitted: _____

Complainant's Name: _____

Alleged Victim's Name (if complainant is acting on his or her behalf): _____

Date of Event: _____ (If more than one event, please report each event on a separate form.)

Who committed the alleged harassment? _____

Is the accused a co-worker, supervisor, other employee, or third party?

_____

Where did the specific event occur (e.g., office location, corridor, garage)?

_____

_____

_____

Describe the circumstances and the events that occurred.

_____

_____

_____

_____

_____

_____

_____

How did this incident affect you?

Were there any witnesses to this specific event? (If yes, please provide their names, contact numbers, office location)

What was their involvement?

Have you contacted your supervisory chain of command regarding this matter?

What would be your desired outcome as a result of the investigation?

I certify the above statements to be true and factual to the best of my knowledge.

Complainant's Signature: _____ Date: _____