

POLICY TITLE: Reporting Sexual Harassment in the Workplace		PAGE 1 OF 8
	CHILD AND FAMILY SERVICES AGENCY Approved by: _____ Agency Director Date: <u>July 27, 2015</u>	REVISION HISTORY: May 4, 2012
LATEST REVISION: April 4, 2015	EFFECTIVE DATE: April 25, 2007	

I. AUTHORITY	<p>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 of December 13, 1977,; DC Official Code § 2-1401.01 <i>et seq.</i>) (2001); Title IV, Chapter 1 of the DC Municipal Regulations (DCMR § 4-101 <i>et seq.</i>); and Mayor’s Order 2004-171 (October 20, 2004), Sexual Harassment. <i>This policy supersedes Reporting Sexual Harassment in the Workplace Policy dated May 4, 2012.</i></p>
II. APPLICABILITY	<p>This policy applies to all employees of CFSA, and all third parties doing business with, or carrying out the goals and objectives of CFSA (e.g., vendors, interns, volunteers, customers, clients, and contractors).</p>
III. RATIONALE	<p>Sexual harassment is an invidious, demeaning, and demoralizing example of workplace misconduct. It creates an environment that is incompatible with an individual’s right to work or receive services without fear of intimidation, coercion, or exploitation. Sexual harassment constitutes a violation of the civil rights laws of the District of Columbia and of the United States. Therefore, CFSA maintains a policy of “zero tolerance” for sexual harassment in the workplace.</p>
IV. POLICY	<p>CFSA values the civil rights of all employees and third parties doing business with or carrying out Agency mission, goals and objectives. 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 of the DC Cod of Municipal Regulations at DCMR § 4-102.1.</p> <p>It is the policy of the Government of the District of Columbia in connection with any aspect of District government employment to:</p> <ol style="list-style-type: none"> 1. Prohibit sexual harassment 2. Prohibit retaliation for filing Equal Employment Opportunity (EEO) complaints 3. Provide equal employment opportunity for all persons 4. 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

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	It is CFSA's policy that under no circumstance shall any employee, supervisor, manager, or other person acting on her or his behalf, or under her or his 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.
V. CONTENTS	<ul style="list-style-type: none"> A. Sexual Harassment Defined B. Roles and Responsibilities of the CFSA staff in Preventing Sexual Harassment C. Reporting Sexual Harassment Allegations and Filing Complaints D. Confidentiality E. Rights of the Alleged Harasser F. Prohibition Against Retaliation G. False Reporting
VI. ATTACHMENTS	A. Sexual Harassment Formal Complaint Form
VII. SECTIONS	<p>Section A: Sexual Harassment Defined</p> <ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> a. Submission to such conduct is made either explicitly (precisely and clearly expressed or readily observable) or implicitly (implied though not directly expressed) as a 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: <ul style="list-style-type: none"> a. Sexually oriented or sexually degrading language describing an individual or her or his 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 (e.g., 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
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	<ul style="list-style-type: none"> 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 <ol style="list-style-type: none"> 3. It is possible for Sexual harassment to be committed by and against persons of the opposite gender, as well as persons of the same or different gender. 4. In addition to the prohibition of sexual harassment, any act of sexual harassment or physical conduct of a sexual nature between employees and clients or other parties involved with CFSA is strictly prohibited. 5. Sexual harassment is unlawful and prohibited in the workplace, including work related activities or events such as work functions, office holiday parties (on or off-site), and sports activities.
	<p style="text-align: center;">Section B: Roles and Responsibilities of the CFSA Staff in Preventing Sexual Harassment</p> <ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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). 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: <ul style="list-style-type: none"> a. Modeling appropriate behavior by refraining from engaging in any inappropriate conduct of 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

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	<ul style="list-style-type: none"> 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 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
	<p style="text-align: center;">Section C. Reporting Sexual Harassment Allegations and Filing Complaints</p> <p>CFSA aims to create a working environment where all individuals are treated with dignity, courtesy, and respect. CFSA is committed to resolving allegations and complaints of sexual harassment as quickly and efficiently as possible. The HRA is always available for employees to express their concerns about possible harassment or other violations of discrimination statutes, regulations, or policies, including the CFSA <i>Sexual Harassment in the Workplace</i> Policy.</p> <p><i>Note: 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.</i></p> <ol style="list-style-type: none"> 1. Any employee, who believes that she or he is being subjected to sexual harassment, should immediately take action by electing to do one of the following: <ul style="list-style-type: none"> a. Inform her or his CFSA supervisor or manager or another CFSA manager of the incident and request that the supervisor or manager resolve the issue through an informal process b. File a formal complaint with the EEO counselor located in CFSA's 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 her or his immediate supervisor, she or he may inform any other CFSA supervisor or manager or directly inform the EEO counselor. 3. If the complainant is comfortable doing so, she or he should advise the alleged harasser that she or he views the harasser's comments, conduct, displays, or suggestions to be offensive and thereby requests that the harasser cease the activity. 4. If the complainant does not feel comfortable addressing the alleged harasser, she or he may inform her or his or any other supervisor or manager of the circumstances. Either way, the alleged harasser shall be promptly informed of the allegation.

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	<ol style="list-style-type: none"> a. Any supervisor or manager who has been informed of a sexual harassment allegation shall immediately complete each of the following tasks: <ol style="list-style-type: none"> i. Report the allegation to the CFSA EEO counselor in HRA as well as the alleged harasser's supervisor and appropriate chain of command ii. Notify the alleged harasser of the allegation iii. Address the complainant's concerns iv. Verify the allegations b. Upon verification, the supervisor or manager shall inform the alleged harasser that the specific offensive behavior(s) will not be tolerated in the work place, should cease immediately, should not be repeated, and may lead to termination of employment if the behavior(s) continues c. The supervisor or manager shall also document all actions taken to resolve the complaint <ul style="list-style-type: none"> • Documentation shall be forwarded within 2 business days of the complaint through the appropriate chain of command and to the EEO counselor d. The HRA shall make the final determination regarding appropriate steps to resolve the complaint. e. An employee who believes she or 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. f. The complainant shall complete and submit a Sexual Harassment Formal Complaint Form (<i>see Attachment A</i>) to any CFSA supervisor or manager or to the CFSA EEO counselor or to any EEO counselor at any other District of Columbia agency. g. The completed form must be submitted within 180 days from the time that the alleged incident occurred and include the following information: <ol style="list-style-type: none"> i. Date ii. Place iii. Specific allegations or circumstances iv. Name of the alleged harasser v. Any efforts made to resolve the matter vi. Names of potential witnesses <p>5. 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.</p>
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	<p>6. CFSA's EEO counselor shall promptly initiate investigations of sexual harassment allegations.</p> <ul style="list-style-type: none"> a. The EEO counselor shall notify the alleged harasser that a formal complaint has been filed, and that she or 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. <p>7. If the EEO counselor's investigation reveals that the complaint cannot be resolved internally, CFSA shall refer the matter to OHR.</p> <p>8. Complainants filing directly with OHR must do so within 1 year of the alleged incident.</p> <p>9. Following the receipt of a sexual harassment complaint, an investigator shall be assigned to conduct a complete and thorough investigation of the allegations in the complaint. For internal investigations, the investigator will be assigned either from HRA or from OHR. For complaints lodged within either of the aforementioned agencies, the investigator will be assigned from the EEOC.</p> <ul style="list-style-type: none"> 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 follow through with the investigation. c. Any employee who declines to participate in an investigation, despite receiving a direct request of CFSA, may be subject to disciplinary action. If the employee who declines to participate is the alleged victim or complainant, 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 her or his decision to decline assistance and participation in the investigation. <p>10. Within 21 calendar days of a complaint being filed, the HRA shall provide the complainant with written notification of the final disposition or action taken.</p> <p>11. 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:</p> <ul style="list-style-type: none"> a. Transfer b. Reassignment of duties
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	<ul style="list-style-type: none"> c. Mandatory administrative leave with pay d. Other measures that do not result in reduction of pay or loss of employee benefits <p>12. 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.</p> <ul style="list-style-type: none"> • 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. <p>13. Any employee who believes that she or he has witnessed or knows of sexual harassment in the workplace or during work related activity should immediately take one of the following actions:</p> <ul style="list-style-type: none"> a. Inform her or his supervisor or manager, the alleged harasser's supervisor, or another CFSA manager and request an informal process to resolve the complaint b. File a formal complaint
	<p>Section D: Confidentiality</p> <ol style="list-style-type: none"> 1. Sexual harassment investigations and any ensuing information or documents are subject to privacy and privileged rights and shall remain confidential. <ul style="list-style-type: none"> 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. <p><i>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 of the same matter.</i></p>
	<p>Section E: Rights of the Alleged Harasser</p> <p>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.</p> <p>The following actions shall be afforded to the person accused of sexual harassment:</p> <ol style="list-style-type: none"> 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
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	<ol style="list-style-type: none"> 4. Information on the type of procedure that the complainant chose for pursuing the complaint 5. An opportunity to have her or his questions answered before the commencement of any review or investigation 6. Advice concerning her or his rights to contest any disciplinary action taken against her or him
	<p>Section F: Prohibition Against Retaliation</p> <p>Employees are encouraged to report sexual harassment or any other form of discrimination, and shall do so without fear of retaliation. The CFSA shall take appropriate steps to protect an employee's assertion of rights under law.</p> <ol style="list-style-type: none"> 1. Retaliation includes, but is not limited to the following circumstances: <ol style="list-style-type: none"> 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 being 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 1a above 2. Employees found to have engaged in retaliatory behavior shall be recommended for termination.
	<p>Section G: False Reporting</p> <p>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.</p>

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**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 her or his 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 and cubicle or office location)

Describe the witnesses' involvement, if any.

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 Name (Please Print): _____ Date: _____

Complainant's Signature: _____ Date: _____