

Suggested policy format and content. RTPA specific policies should be developed in consultation with RTPA Legal Counsel, Board of Directors and appropriate regulatory agencies.

Sexual Harassment and Complaint Procedures

RTPA is committed to maintaining a workplace environment free of sexual harassment, exploitation, and intimidation. Sexual harassment is prohibited by state and federal law and will not be tolerated by RTPA. Complaints of sexual harassment will be investigated properly and, if necessary, appropriate disciplinary action, up to and including termination, will be taken.

All persons who use RTPA offices, including, but not limited to, employees, temporaries, interns, Board members, vendors, and visitors, are responsible for complying with and ensuring the compliance of others with this policy. Retaliation against an individual for his/her involvement in a complaint or investigation under this policy is prohibited by law and will constitute a separate violation of this policy.

Policy

This Sexual Harassment and Complaint Procedures Policy is derived from the RTPA equal employment opportunity policy which prohibits discrimination or harassment on the basis of race, color, religious creed (including religious dress and grooming practices), national origin, ancestry, age, gender (including gender identity and gender expression), sex (including pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth or breastfeeding), medical condition (including AIDS/HIV, history of cancer), disability (including mental or physical), genetic information, sexual orientation, marital status, military or veteran's status, or any other category protected under federal or state law.

It is the policy of RTPA to ensure that its offices and activities are free of sexual harassment or discrimination. This policy extends to all forms of communication, physical contact, and/or other gestures of a sexual nature that are unwanted and are explicitly or implicitly exploitative, intimidating, demeaning, and/or derogatory.

Personality conflicts should not be misconstrued as sexual harassment and should be reported to an immediate supervisor, Executive Director, or the Director of Finance and Administrative Services.

No person shall cause a person on RTPA premises to be in jeopardy of losing a job or promotion, be subject to adverse action or retaliation, or otherwise be placed in an intimidating, hostile, or offensive working environment, as the result of being subjected to, rejecting, or reporting sexual harassment.

No person shall promise or grant favored treatment in hiring, promotion, discipline, or other employment decision, to an individual on the condition that such individual participate in or tolerate otherwise unwelcome sexual behavior.

RTPA will take preventative, corrective, and disciplinary action for any behavior that violates this policy. Disciplinary action up to and including termination and/or removal from RTPA premises will be imposed for violation of this policy.

Whether or not harassment occurred does **not** depend upon whether the behavior was intended to cause harm, but rather, upon the effect of the behavior on the receiving individual's employment or work environment. Failure to recognize that behavior is harassing to an individual or group of individuals will not be viewed as an adequate defense to an allegation of sexual harassment.

The standard under which RTPA may impose discipline under this policy may be stricter than that imposed by law. RTPA will not condone, permit, or tolerate harassment in any manner whatsoever. Persons engaging in inappropriate conduct may be subject to discipline, up to and including termination, the first time inappropriate behavior is documented.

Applicability

This policy applies to all RTPA employees, temporaries, and interns, elected or appointed officers, and to those who are agents of a public or private entity doing business with RTPA.

Responsibilities

The Director of Finance and Administrative Services is responsible for ensuring that the policy and complaint procedures relating to sexual harassment are disseminated and implemented. This policy is referred to in the RTPA Employee Handbook and is available on the RTPA Intranet website.

All employees, temporaries, and interns will be informed of this policy and are responsible for reviewing it. All persons on RTPA premises are expected to comply with this policy.

It is the responsibility of every supervisor to take any sexual harassment complaint seriously and to respond immediately according to the complaint procedures in this policy. Any supervisory staff member who observes or knows of a harassing situation, whether or not it occurred in his/her department/division, who fails to take corrective action, may be disciplined.

Definitions

Sexual harassment is unwelcome behavior that is deliberate or repeated, not asked for or returned, and which affects the terms and conditions of employment.

The two basic elements of sexual harassment are: (1) the behavior is unwelcome; and (2) the behavior is sexual in nature as perceived by an average person on the receiving end of the behavior, **or** it is behavior that ridicules, denigrates, or harasses a person because of his/her gender. Unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment (quid pro quo sexual harassment); or
- Submission to or rejection of such conduct by an individual is used as a basis for evaluation of the individual's work or decisions affecting that individual's work or an individual's employment (quid pro quo sexual harassment); or

- 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 (hostile environment sexual harassment).

Sexual harassment can take many forms. Some examples include:

Verbal Harassment: Epithets, derogatory jokes or comments, slurs, or unwanted sexual talk. Verbal abuse of a sexual nature such as graphic verbal commentaries about a person's body; sexually degrading words used to describe an individual; propositioning. Remarks or jokes explicitly or implied stating that a person cannot do a job as well because that person is male or female. Threats or reprisals after a negative response to a sexual advance.

Physical Harassment: Assault, battery, impeding, or blocking normal movement or interfering with work; unwanted touching such as pinching, grabbing, or patting or other inappropriate behavior.

Visual Harassment: Derogatory posters, emails, electronic texts, pornographic or sexual Internet sites, computer screen "wallpaper," notes, cards, calendars, bulletins, cartoons, graffiti, photographs, signs, drawings, suggestive or sexually graphic letters or invitations, protracted staring, or gestures.

Quid pro quo (this in exchange for that) sexual harassment occurs when a person makes any term or condition of employment conditional upon an individual's willingness to engage in sexual behavior. Examples of quid pro quo sexual harassment include: a supervisor offering a choice assignment in exchange for a sexual favor, or a supervisor threatening adverse action against an individual who refuses to submit to sexual advances.

Hostile environment sexual harassment occurs when unwelcome conduct, either sexual or gender-based, severe or pervasive, offends, intimidates, ridicules, or insults an individual sufficiently to alter that individual's ability to carry out his/her responsibilities at RTPA.

Confidentiality

Every effort shall be made to protect the privacy of all individuals throughout all phases of the complaint resolution process. Anonymity and complete confidentiality cannot be guaranteed once a complaint is made or unlawful behavior is made known because RTPA has a duty to conduct an investigation and to report criminal conduct to appropriate legal authorities.

In the interest of maintaining confidentiality, a person who is a victim of or who is aware of someone else who is a victim of sexual harassment should not discuss the matter with anyone other than a supervisor, the Director of Finance and Administrative Services or the Executive Director.

All documents concerning a sexual harassment complaint will be maintained by the Director of Finance and Administrative Services.

Files pertaining to complaints will be maintained in confidence to the fullest extent permitted by law.

Complaint Procedures

An individual who feels that he/she has been sexually harassed or discriminated against based on gender, or who believes that someone else is being sexually harassed or discriminated against, must bring the matter

to the attention of a supervisor, the Director of Finance and Administrative Services, or the Executive Director immediately.

Supervisors are responsible for orally notifying the Director of Finance and Administrative Services immediately upon receipt of a sexual harassment or discrimination allegation. The supervisor shall follow up by submitting a written incident report to the Director of Finance and Administrative Services on all sexual harassment or discrimination complaints within three days of receipt after reporting a complaint.

Once a complaint is made known to the Director of Finance and Administrative Services, he/she shall investigate, conciliate, resolve, and/or make appropriate recommendations to the Executive Director and the supervisor in order to ensure the situation is remedied. The Director of Finance and Administrative Services shall follow up with the supervisor on the progress of the investigation and proposed resolution within two weeks. A written report of the investigation will be prepared and coordinated with RTPA's legal counsel.

All cases shall be evaluated on an individual basis, taking into consideration all the facts and circumstances pertaining thereto. The Executive Director and appropriate supervisor shall be given a summary of findings, recommendations, and required actions. The complainant and alleged harasser also will be informed of the results of the investigation. The Director of Finance and Administrative Services shall monitor all actions until completed.

Protections

Employees have the right to file charges of sexual harassment or discrimination in good faith. If, in the course of the investigation it is found that the charges are intentionally malicious or fraudulent, the Director of Finance and Administrative Services shall make appropriate recommendations as to the disposition of the case. An individual who makes a false or fraudulent complaint under this policy will be subject to discipline, up to and including termination.

RTPA will not tolerate retaliation against any individual who rejects sexual advance(s), complains of sexual harassment or discrimination, or makes a sexual harassment or discrimination complaint. RTPA will not tolerate retaliation against any person who participates in an investigation covered under this policy. If retaliation is alleged, it shall be processed as a separate complaint that shall be filed directly with the Director of Finance and Administrative Services. The law prohibits such acts of retaliation. Any person found to be retaliating against another person shall be subject to disciplinary action up to and including termination.

Warning

Persons involved in consensual relationships who work together must exercise caution to prevent actual or perceived sexual harassment or inappropriate use of authority. If a relationship changes, conduct that once was welcome by both persons may become offensive to one of the persons in the relationship. Sexual harassment claims often occur following an unsuccessful workplace relationship. Therefore, RTPA highly discourages supervisory-subordinate relationships because of this risk.