



STATE OF CONNECTICUT
Department of Mental Health & Addiction Services



Commissioner's Policy Statement and Implementing Procedures

SUBJECT:	Sexual Harassment
P & P NUMBER:	Chapter 2.2
APPROVED:	Miriam Delphin-Rittmon, Commissioner Date: 10/15/2015
EFFECTIVE DATE:	October 15, 2015 <i>Miriam Delphin-Rittmon</i>
REVISED:	2/18/2010, 1/15/09; 02/18/10
REFERENCES:	42 U.S.C. 2000e-16b Former Policy Number AA-200 29 C.F.R. 1604.11 C.G.S. Chapter 14, Sec. 1-210 C.G.S. Chapter 814c Sec 46A-60 (8) Affirmative Action Regulations of CT State Agencies Sec. 46a-68-46
FORMS AND ATTACHMENTS:	Affirmative Action Complaint Form, Affirmative Action Complaint Procedure, List of External Discrimination Complaint Agencies

STATEMENT OF PURPOSE: The purpose of the Department of Mental Health and Addiction Services (DMHAS) sexual harassment prevention policy is to foster an environment in which no employee, or non-employee including volunteers, contractors, subcontractors, and visitors engaged in or affected by conduct in the DMHAS workplace, experiences discrimination in the form of sexual harassment. Sexual harassment undermines the integrity of the workplace and diminishes the personal dignity of the individual.

POLICY: It is the policy of the Department of Mental Health and Addiction Services that no manner or degree of sexual harassment will be tolerated. Department policy prohibits sexual harassment, in any form, whether in the workplace, at off-site work-related assignments, or at work sponsored social functions, or elsewhere. The DMHAS sexual harassment prevention policy may also apply to off-duty or non-duty behavior or conduct that affects the DMHAS workplace. The workplace encompasses the actual physical workplace, any other place that is work-connected and includes the conditions or environment in which people are required to work.

Any employee who engages in conduct prohibited by this policy will be subject to discipline up to and including termination. The Department will take appropriate action against any non-employee who violates this policy, including counseling, suspension or termination of privilege or license to access DMHAS property, and any other remedy available to the Department. Any person who was subjected to sexual harassment will be informed of the process for pursuing

remedies that may be available under federal and state law.

Sexual harassment is illegal and violates Title VII of the Civil Rights Act of 1964, 42 US Code § 2000e et seq., as amended, as well as Connecticut General Statutes §§ 46a-60 (a)(1) and 46a-60 (a)(8). The Equal Employment Opportunity Commission (EEOC) and the Commission on Human Rights and Opportunities (CHRO) have established standards for imposing employer liability for sexual harassment under federal and state law. While the sexual harassment policy of the Department of Mental Health and Addiction Services must satisfy federal and state law, it should be clearly understood that the policy may exceed the requirements of state & federal law.

Sexual harassment is any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to, or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual's employment, including evaluation, wages, advancement, assigned duties, shifts or career development; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- Such conduct substantially and adversely affects the working conditions of an employee or person providing services as a vendor, volunteer or contractor.

Prohibited conduct includes, without limitation:

- Repeated offensive, sexual flirtation, advances or propositions;
- Sexual assault;
- Exposing one's genitals, or buttocks;
- Discussing sexual activities;
- Inappropriately commenting about an individual's body or physical appearance;
- Displaying sexually suggestive photographs, cartoons or objects;
- Using unseemly gestures, whistling or catcalling;
- Using crude and offensive language of a sexual nature;
- Telling and/or distributing sexually explicit jokes;
- Unnecessary touching or physical interference with a person's movements;
- Derogatory comments about another's sex or sexual orientation;
- Retaliation against an employee for reporting sexual harassment; and
- While in a supervisory position, condoning or ignoring sexual harassment of which one has knowledge or has reason to have knowledge.

Sexual harassment is not limited to prohibited conduct by a male employee toward a female, or by a supervisory employee toward a non-supervisory employee. The victim does not have to be the opposite gender from the harasser. The victim does not have to be the person at whom the

unwelcome sexual conduct is directed. The victim may be someone who is a witness to and is personally offended by such conduct when it is directed toward another person. Sexual harassment is unwelcome conduct of a sexual nature that is personally offensive, and that therefore interferes with work productivity. Unwelcome sexual conduct is defined from the perspective of the victim, not the harasser.

When interacting with others in the workplace, it is important to be sensitive to the way in which words and actions may be perceived by others. Normal, courteous, respectful, pleasant and non-coercive interaction between individuals, which is acceptable to all, would generally not be considered to be sexual harassment. Words that could reasonably be perceived as offensive and unwelcome might constitute unlawful harassment.

PROCEDURE: All employees shall be held responsible and accountable for maintaining an environment free from sexual harassment in accordance with applicable law and the sexual harassment prevention policy of the Department of Mental Health and Addiction Services.

Anyone who believes s/he has experienced sexual harassment, or has witnessed sexual harassment by any employee, prospective employee, vendor, or any other person in connection with his/her employment, should bring the matter to the immediate attention of a Department of Mental Health and Addiction Services manager, an affirmative action officer or a human resource officer. A complaint may be filed by following the Department's internal affirmative action complaint procedure. Both the complaint procedure and complaint form shall be available in the human resource office, the affirmative action office, and accessible online at www.ct.gov/dmhas by clicking on: "Divisions & Offices", "Affirmative Action Office", and "Internal Grievance Procedure".

If the complainant prefers, s/he may report the matter directly to her/his supervisor. If the complainant feels uncomfortable reporting the harassment to her/his supervisor, s/he should immediately report the matter to any other member of management.

A supervisor or manager who receives a complaint about sexual harassment, witnesses sexual harassment, becomes aware of or believes that someone is engaging in prohibited conduct shall immediately report it to the Department of Mental Health and Addiction Services' affirmative action and/or human resources office.

Failure of a manager or supervisor to take action upon witnessing or receiving a report of sexual harassment or sexual misconduct constitutes a violation of this policy and shall subject such manager or supervisor to disciplinary action.

Retaliation against individuals who report sexual harassment, who object to sexual harassment or assist in a sexual harassment investigation, is prohibited by law. There shall be no adverse consequences in the terms and conditions of employment and receipt of services of such an individual. Anyone who believes s/he may have been retaliated against may amend her/his complaint, or file a separate complaint, which will be investigated pursuant to this policy.

All employees shall be held responsible and accountable for maintaining an environment free from sexual harassment in accordance with the above legislation. Anyone who believes s/he has experienced sexual harassment, or has witnessed sexual harassment by any employee, prospective employee, vendor, or any other person in connection with his/her employment, should bring the matter to the immediate attention of a Department of Mental Health and Addiction Services supervisor, affirmative action office or the human resources office. If the complainant prefers, s/he may report the matter directly to her/his supervisor. If the complainant feels uncomfortable reporting the harassment to her/his supervisor, s/he should immediately report the matter to any other member of management. A supervisor or manager who receives a complaint about harassment, witnesses harassment, becomes aware of or believes that someone is engaging in prohibited conduct shall report it to the Department of Mental Health and Addiction Services' affirmative action or human resources office. Any employee, supervisor or manager found to be in violation of any part of this policy shall be subject to disciplinary action, up to and including termination. Both the complaint procedure and form will be available in the Human Resources Office and the Affirmative Action Office. Any individual has the right and opportunity to file complaints of alleged sexual harassment by following the complaint procedure (AC 110 D 4, dated 4/10/02).

Although this policy sets forth the Department of Mental Health and Addiction Services goal of promoting a workplace free of sexual harassment, this policy is neither designed nor intended to limit the Department of Mental Health and Addiction Services authority to discipline or otherwise take remedial action for workplace conduct which the Department deems unacceptable, regardless of whether that conduct satisfies the legal definition of sexual harassment.

The Department of Mental Health and Addiction Services reminds all employees that engaging in any of the conduct prohibited by this policy may constitute a violation of this policy. The Department of Mental Health and Addiction Services may take disciplinary action up to and including dismissal against an employee found to have engaged in any such prohibited conduct.

Although the Department of Mental Health and Addiction Services expects to continue this policy/procedure indefinitely, it reserves the right to interpret, amend or terminate it at any time.