



**State of Oklahoma  
Human Capital Management Division  
Office of Management and Enterprise Services  
Policies and Procedures  
Anti-Harassment**

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<b>Prior Policy:</b>	<b>Policy Number: HCM-02</b>
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<b>Approved: Lucinda Meltabarger</b>	<b>Approval Date: 09/01/2012</b>

**Reference** Title VII of the Civil Rights Act 1964, Age Discrimination Act of 1975, and Americans with Disabilities Act of 1990 / amendments 2008.

### **Policy**

The Office of Management and Enterprise Services (OMES) strives to create and maintain a safe work environment in which all individuals are treated with dignity, decency and respect. The work environment shall be characterized by mutual trust and the absence of intimidation, oppression and exploitation. It is OMES policy not to tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and education of employees, OMES will seek to prevent, correct and discipline behavior that violates this policy.

All employees shall comply with this policy. OMES has NO tolerance for harassment or discrimination. Appropriate measures will be taken to ensure that prohibited conduct does not occur. Employees who violate this policy are subject to discipline, up to and including termination.

### **Definitions**

1. "Discrimination" means any discriminatory work conditions; or to use discriminatory evaluative standards in employment, such as discriminatory treatment in whole or in part, based on the person's race, color, national origin, age, religion, ancestry,

disability status, gender, sexual orientation, gender identity, genetic information, political affiliation, marital status or any other reason prohibited by law. Any OMES employee who believes he or she has been subjected to conduct which violates his or her civil rights is encouraged to promptly confer with a supervisor, manager or Human Resources Department.

2. "Harassment" means any verbal or physical conduct designed to threaten intimidate or coerce. Additionally, verbal taunting (including racial and ethnic slurs), and written material via any channel, including but not limited to social networking, e-mails, posters, cartoons that, in the employee's opinion, impairs his or her ability to perform his or her job.
3. "Sexual Harassment" means any "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for employment decisions or such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.

### **Discrimination**

1. It is a violation of this policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information or marital status.
2. Discrimination of this kind also may be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act 1964, the Age Discrimination Act of 1975, and the Americans With Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these antidiscrimination laws.
3. Discrimination in violation of this policy will be subject to discipline up to and including termination.

### **Harassment**

Harassment, including sexual harassment, is prohibited by federal and state laws. This policy prohibits harassment of any kind, and the agency will take appropriate action to address any violations of this policy. Examples of harassment are:

1. Verbal: Comments, epithets, slurs, and negative stereotyping that are not flattering or are unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance.

2. Nonverbal: Distribution, display or discussion of any written or graphic material that ridicules, denigrates, belittles, or shows hostility or aversion toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance disability, gender identity, marital or other protected status.

### **Sexual Harassment**

Sexual harassment in any form is prohibited under this policy. Sexual harassment is a form of discrimination and is unlawful under Title VII of the Civil Rights Act of 1964, and the Equal Employment Opportunity Commission (EEOC).

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

1. Is made explicitly or implicitly a term or condition of employment.
2. Is used as a basis for an employment decision.
3. Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome, personally offensive, lowers morale, and therefore interferes with work effectiveness. Sexual harassment may take different forms.

Examples of conduct that may constitute sexual harassment are:

1. Verbal: Sexual innuendoes; suggestive comments; jokes of a sexual nature; sexual propositions; lewd remarks; threats; requests for any type of sexual favor, including repeated, unwelcome requests for dates; verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sex-oriented and considered unwelcome.
2. Nonverbal: The distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, email, photos, text messages, Internet postings, etc., that is sexual in nature.
3. Physical: Unwelcome, unwanted physical contact, including but not limited to touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, forced sexual intercourse or assault.

Normal, courteous, mutually respectful, pleasant, non-coercive interactions between employees that is acceptable to and welcomed by both parties, is not considered to be harassment, including sexual harassment.

There are two types of sexual harassment:

1. "Quid pro quo" harassment, involves expressed or implied demands for sexual favors in exchange for some benefit (a promotion, pay increase, etc.) or to avoid some detriment (termination, demotion, etc.) in the workplace. By definition, it can be perpetrated only by someone in a position of power or authority over another (e.g., manager or supervisor over a subordinate).
2. "Hostile work environment," where the harassment creates an offensive and unpleasant working environment. Hostile work environment can be created by anyone in the work environment, whether it is supervisors, other employees or customers. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials, or unwelcomed physical contact as a regular part of the work environment. Texts, emails, cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category.

### **Consensual Sexual Relationships**

OMES prohibits romantic or sexual relationships between a manager or supervisor and an employee who reports directly or indirectly to that person.

### **The Complaint Process**

Employees are strongly urged to utilize the complaint procedure as outlined in the OMES Complaint and Investigation Process policy to report unlawful discrimination or harassment of any kind. However, filing groundless and malicious complaints is an abuse of this policy, and it is prohibited.

### **Retaliation**

No hardship, loss of benefit, or penalty may be imposed on an employee as punishment for:

1. Filing or responding to a bona fide complaint of discrimination or harassment.
2. Appearing as a witness in the investigation of a complaint.
3. Serving as an investigator.

Retaliation or attempted retaliation is a violation of this policy and anyone who does so will be subject to severe sanctions up to and including termination.

### **Complaint Procedure**

OMES employees, supervisors and Human Resources department shall adhere to the [OMES Complaint and Investigation Policy](#) in order to address a complaint regarding harassment or retaliation. However, filing groundless and malicious complaints is abuse of this policy, and is prohibited.