STATE OF CALIFORNIA DEPARTMENT OF GENERAL SERVICES	DATE ISSUED: January 24, 2006
Administrative Order 06-03	EXPIRES: Until Rescinded
TO: **ALL EMPLOYEES**	REFERENCES:
SUBJECT: **SEXUAL HARASSMENT PREVENTION POLICY**	SUPERSEDES: AO 00-02

It is the policy of the Department of General Services (DGS) that employees have a right to work in an environment that is free from all forms of discrimination, including sexual harassment. Sexual harassment is a form of discrimination that is prohibited. Managers and supervisors are responsible for maintaining a working environment free from sexual harassment for all employees. All employees are responsible for maintaining a work environment that is free from sexual harassment by conducting themselves in a respectful and professional manner. This policy applies not only to permanent/temporary employees but applicants, vendors and customers and is intended to protect the DGS employees, regardless of appointment status, from unlawful sexual harassment in the performance of their job duties for the DGS. Sexual harassment is unacceptable behavior in the workplace and will not be condoned. The workplace is defined as any DGS worksite, DGS sponsored events, and any business necessitated travel.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination. It is unlawful because it violates the prohibition against sex discrimination set forth in Title VII of the Civil Rights Act of 1964, and also violates the provisions of the Fair Employment and Housing Act (FEHA), Government Code Section 12940 et seq. The FEHA defines harassment because of sex as including sexual harassment, sexual orientation harassment, gender harassment, and harassment based on pregnancy, childbirth, or related medical conditions. The Fair Employment and Housing Commission (FEHC) regulations define sexual harassment as unwanted sexual advances, or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior, and includes gender-based harassment of a person of the same sex as the harasser.

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting an individual, or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or otherwise offensive environment.

Examples of prohibited visual, verbal and physical conduct include, but are not limited to:

1. Visual conduct: Such as leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, or posters, offensive materials sent via e-mail or Internet.

2. Verbal conduct: Such as sexual innuendoes, making or using derogatory sexually suggestive comments of a sexual nature, sexual advances or propositions, unwanted social invitations.

3. Physical conduct: Such as unwanted physical contact of a sexual nature including touching, pinching, brushing the body, coerced sexual intercourse.

RETALIATION

It is a violation of this policy for a manager, supervisor or co-worker, to retaliate in any form, against any employee who reports, threatens to report, or files a complaint of sexual harassment or participates in an investigation alleging sexual harassment. Retaliation will not be condoned.

DEPARTMENT'S LEGAL OBLIGATIONS AND/OR RESPONSIBILITY

The DGS has a legal obligation to ensure that the work environment is free from all forms of discrimination – including sexual harassment. The DGS is responsible for the actions of its managers/supervisors. Harassers, including managerial/supervisory and non-supervisory, may be held personally liable for sexually harassing conduct. Additionally, managers and supervisors may be held personally liable for any acts of retaliation. It is the Department's policy that all reasonable steps to prevent sexual harassment from occurring be taken. This includes, but is not limited to, providing sexual harassment prevention training to all employees, training managers/supervisors on their responsibilities to enforce the Department's policy on sexual harassment prevention, providing counseling, providing a departmental discrimination complaint process administered by the Department's Equal Employment Opportunity (EEO) Office, conducting EEO investigations and taking appropriate corrective action, if warranted. Complaints of alleged sexual harassment must be investigated in a timely, thorough, and confidential manner even if the complaint is withdrawn or the complainant requests that no action be taken. If substantiated through the complaint process, such conduct/behavior is subject to immediate disciplinary action, up to and including discharge from employment. The DGS takes all complaints seriously. In the event that the investigation into the complaint reveals that the complaint is totally without merit, the DGS will review the matter and consider its options, which may include disciplinary action.

EMPLOYEE RESPONSIBILITY

Any employee who feels that he/she has been sexually harassed by another person in the workplace, should, if possible, tell that person in a clear and unambiguous manner that his/her conduct is offensive and that you want it to stop. However, if you are uncomfortable taking this action or if the conduct does not cease after you have warned the offending person(s) to stop, you should immediately report it to a supervisor/manager, division/office EEO Counselors, or the DGS EEO Office. You can also file a complaint concurrently with the Department of Fair Employment and Housing (DFEH) or the Federal Equal Employment Opportunity Commission (EEOC).

SUPERVISOR/MANAGER RESPONSIBILITY

It is the responsibility of supervisors and managers to implement this policy. Any supervisor or manager who becomes aware of any possible discrimination based on sexual harassment, and/or retaliation, is obligated by departmental policy, to address such situations to ensure that the conduct does not continue. Supervisors and managers have the responsibility of documenting the specific details of the situation, how it was handled, and forwarding that information to the DGS EEO Officer.

Supervisors and managers are strongly advised to consult with the DGS EEO Officer should they have any questions or concerns about how to properly handle an EEO issue or situation. The DGS EEO Officer will assess the situation, consult with the supervisor/manager on the appropriate next steps, and determine the depth of the investigation, if necessary.

DEPARTMENT COMPLAINT PROCEDURE

You are to report complaints of sexual harassment or retaliation as soon as possible so that the complaint can be timely and fairly resolved at the lowest appropriate level.

The Department's discrimination complaint process consists of two levels of review, informal and formal, with the exception of sexual harassment complaints, which are handled at the formal level. For specific details of the departmental discrimination complaint process and procedures, please refer to the EEO website.

The Department's discrimination complaint process is not available to persons in exempt positions. Exempt employees can file a complaint with the DFEH and/or EEOC.

Complaints should be reported to any one of the following:

- Your Supervisor/Manager
- Division/Office EEO Counselors (listed on the DGS EEO Intranet site)
- Appropriate Office/Branch Chief
- DGS EEO Office (916) 376-5127 (CALNET 8-480-5127)
  TTY (916) 376-5119 (CALNET 8-480-5119)
  California Relay Service: 1-800-735-2922 or 7-1-1
  Speech to Speech Service: 1-800-854-7784
- California Department of Fair Employment and Housing (DFEH) 1-800-884-1684
- Federal Equal Employment Opportunity Commission (EEOC) 510-637-3230 or 1-800-669-4000

The complaint form can be downloaded from the EEO Office website or can be obtained by contacting the EEO Office. Every complaint of alleged sexual harassment and/or retaliation reported that is determined by the DGS EEO Officer to be within the Department's jurisdiction will be investigated in a timely, thorough, and to the extent possible, in a confidential manner.

Ron Joseph
Director

ALTERNATIVE FORMATS: In accordance with the California Government Code and ADA requirements, this publication can be made available in Braille, large print, computer disk, or tape cassette as a disability-related reasonable accommodation for an individual with a disability. To discuss how to receive a copy of this publication in an alternative format, please contact the DGS EEO Office, 707 3rd Street, 9th Floor, West Sacramento, CA 95605, (916) 376-5127, CALNET 8-480-5127.

ATTACHMENT
ADMINISTRATIVE ORDER 06-03
SEXUAL HARASSMENT PREVENTION POLICY
JANUARY 24, 2006

Employee: Please acknowledge your receipt and review of Administrative Order 06-03 by signing below. This acknowledgement will be kept in your official personnel file.

I acknowledge I have received, read, and understand the Department of General Services' Sexual Harassment Prevention Policy (Administrative Order 06-03). I also understand I, and others, have a right to work in a favorable work environment, free from sexual harassment from all employees. It is also my understanding any violation of this policy could subject me to disciplinary action up to and including termination.

_____
Employee's Name (please print or type)

_____
Employee's Signature

_____
Office

_____
Date