

IDAHO DEPARTMENT OF PARKS AND RECREATION POLICIES AND PROCEDURES			
Number	Effective	Title	Owner
II-50	11/07	Discrimination and Sexual Harassment	Human Resources

Approval: \_\_\_\_\_ *Robert M. Menden* \_\_\_\_\_

### 1. Purpose

It is the policy of Idaho Department of Parks & Recreation that all employees have a right to work in an environment that is free from discrimination or harassment based on gender, race, age, national origin, religion, disability, or any other protected discriminatory factor. The Department prohibits any form of discrimination or harassment of its employees by other employees and will take immediate and appropriate action to investigate the behavior that allegedly violates this policy.

This policy is disseminated to all Department employees. Managers and supervisors are expected to ensure all staff is aware of it.

The Human Resource Officer is the Department official responsible for receiving and investigating complaints of harassment and/or discrimination. Any employee, supervisor or manager who is made aware of an alleged incident of discrimination or harassment may bring the matter to the attention of the Human Resource Officer. Employees also have the right to file complaints either using the Department's Problem-Solving process (see Problem-Solving/Due Process, Policy II-40) or directly with the Idaho Human Rights Commission and/or the Equal Employment Opportunity Commission (EEOC).

### 2. Prohibited Activities

Employees are expected to conduct themselves in a professional manner at all times. Any verbal or physical conduct that belittles or demeans an individual because of his or her race, color, religion, national origin, gender, age, disability or similar characteristics or circumstances is prohibited.

### 3. Harassment Defined

Harassment is verbal, written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of his/her race, color, religion, gender, national origin, age or disability, or that of his or her relatives, friends or associates, that:

- Has the purpose or effect of creating an intimidating, hostile, or offensive work environment,
- Has the purpose or effect of unreasonably interfering with an individual's work performance, or
- Otherwise adversely affects an individual's employment opportunities.

Examples of harassment include slurs, negative stereotyping, hostile acts, and written or graphic material posted or circulated in the workplace that denigrate individuals because of race, color, religion, gender, national origin, age or disability.

Sexual harassment is any unwelcome sexual advance, request for sexual favors, unwelcome sexual epithets, innuendos, advances, references, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is 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 the basis for employment decisions affecting such individual;
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment may include unwanted physical contact, foul language of an offensive sexual nature, sexual propositions, sexual jokes or remarks, obscene gestures, and displays of pornographic or sexually explicit pictures, drawings, or caricatures.

While sexual harassment usually involves members of the opposite sex, it can also include "same sex harassment", i.e. males harassing males or females harassing females.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale and that therefore interferes with work effectiveness.

#### **4. Filing, Investigation and Resolution**

Employees have the responsibility to bring any form of perceived discrimination or harassment to the attention of the Department immediately. Any employee who has a complaint of sexual or other discriminatory harassment should report the alleged act immediately to their supervisor, the Department's Human Resource Officer or other member of the Human Resource staff. Although employees are free to address inappropriate conduct directly with the offending person, they **do not** have to complain first to the offending person.

All complaints will be handled in a timely and as confidential manner as possible. A thorough investigation will be conducted based on the employee's statement of events. Individuals involved in the complaint will be advised not to discuss the subject outside of the investigation. The Department will retain confidential documentation of all allegations and investigations and will take appropriate corrective action to remedy all violations of this policy. The purpose of this provision is to protect the confidentiality of the employee who files a complaint to the extent possible; to encourage the reporting of any incident(s) of sexual or other harassment and to protect the reputation of any employee wrongfully charged with harassment or discrimination.

If the Department determines that workplace harassment or discrimination has occurred on the basis of gender, race, color, religion, national origin, age or disability, corrective action will be taken. Depending upon the circumstances, this corrective action may include, but would not be limited to, verbal or written reprimand, suspension, demotion or dismissal.

Retaliation against any complaining employee, any witness, or anyone involved in a complaint is strictly prohibited. The Department will follow up on any complaint or investigation as appropriate to insure that no retaliation occurs. Employees should

immediately report any retaliation under the complaint procedure as set forth in this policy. The Department will not tolerate retaliation and will take prompt and immediate steps to investigate and eliminate retaliatory action.