

**STATE OF CONNECTICUT
DEPARTMENT OF DEVELOPMENTAL SERVICES**

Policy No: II.F.PO.002

Subject: Sexual Harassment Prevention

Section: Affirmative Action and Equal Employment
Opportunity

Issue Date: July 1, 2013

Effective Date: Upon release

Approved: /s/Terrence W. Macy

Policy Statement

The Connecticut Department of Developmental Services (DDS) prohibits sexual harassment, in any form, whether in the workplace, at assignments outside the workplace, at work sponsored social functions, or elsewhere. Off-duty or non-duty behavior or conduct that affects DDS's workplace may also be considered sexual harassment. The workplace encompasses 1. the actual physical space in which a person works; 2. any other place that is work-connected; and 3. the conditions or atmosphere under which people are required to work.

A. Purpose

The purpose of the Department of Developmental Services' Sexual Harassment Prevention policy is to foster an environment in which no employee or non-employee including: applicant, volunteers, contractors, subcontractors, and visitors engaged in or affected by conduct in the DDS workplace, experiences discrimination in the form of sexual harassment. Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship and will not be tolerated.

Any employee who engages in conduct prohibited by this policy will be subject to disciplinary action pursuant to DDS's Discipline Policies up to, and including termination. Any person who is subjected to sexual harassment will be apprised of his and/or her rights. This Sexual Harassment Prevention Policy clearly explains, and defines what sexual harassment is, and the responsibilities and report procedure for managers, supervisors, and employees.

B. Applicability

This sexual harassment prevention policy applies to 1. all Department of Developmental Services employees; 2. all applicants for employment with the department; 3. all employees of providers or contractors licensed or funded by the department; 4. all volunteers who provide services to the department or to individuals funded by the department; and 5. all visitors to department funded programs and facilities.

C. Definitions

- 1. Complaint:** A formal allegation against a party. Complaints should be filed using the II.F.PR.004 Attachment A Internal Discrimination Complaint Form. (Please refer to II.F.PR.004 Internal Discrimination Complaint procedure for further information.)
- 2. Related Misconduct:** Failure of a supervisor or manager to comply with the requirements for detecting, reporting and intervention set forth in this policy.
- 3. Sexual Harassment:** Sexual Harassment is defined by both Connecticut General Statutes and Federal Law as a form of sex discrimination: Any unwelcome sexual advance, request for sexual favors, disparagement or hazing on the basis of gender, gender identity

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or sexual orientation, or conduct, verbal or physical, that is of a sexual nature or that is addressed to sexual attributes when:

- a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- b. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting the individual;
- c. Such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment; or
- d. Such conduct substantially and adversely affects the working conditions of an employee or person providing services as a vendor, volunteer or contractor.

D. Implementation

1. General Principles

- a. Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship and the professionalism and efficiency of the Department.
- b. This policy shall protect both employees and non-employees including volunteers, vendors, contractors, and visitors.
- c. This policy protects employees from sexual harassment in their employment, regardless of the source of the sexual harassment.
- d. Identification of conduct, verbal or physical, as sexual harassment does not depend on the intention or motivation of the actor, but on whether such conduct meets the definition of sexual harassment and/or could reasonably be perceived as sexual harassment by the person experiencing it.
- e. Conduct need not be repeated, severe or pervasive to constitute a violation of this policy.
- f. This policy does not prohibit normal, courteous, respectful, pleasant and non-coercive interactions.

2. Specific Prohibitions of Sexual Harassment

Any conduct that constitutes sexual harassment as defined in Section C 3 of this policy is prohibited. Examples of sexual harassment include, but are not limited to, the following:

- a. Inappropriately commenting about an individual's body or physical appearance;
- b. Unnecessary touching or physical interference with a person's movements (such as blocking one's path);
- c. Exposing one's genitals or buttocks;
- d. Discussing sexual activities;
- e. Displaying sexually demeaning pictures, suggestive photographs, cartoons or objects;
- f. Using unseemly gestures, whistling or catcalling;
- g. Using crude and offensive language of a sexual nature;
- h. Telling and/or distributing sexually explicit jokes;
- i. Derogatory comments about another's sex or sexual orientation;
- j. Repeated offensive, sexual flirtation, advances or propositions;
- k. Subjecting another employee to pressure for dates;
- l. Sexually explicit correspondence: emails, texts, calls or notes;
- m. Displaying sexually explicit images on phones or other electronic devices;

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- n. Retaliation against an employee for reporting sexual harassment;
- o. Condoning or ignoring sexual harassment of which one has knowledge or has reason to have knowledge while in a supervisory position; and
- p. Sexual contact.

Sexual Harassment can occur in a variety of circumstances, including, but not limited to the following:

- a. The victim as well as the harasser may be a man or woman. The victim does not have to be of the opposite sex.
- b. The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- c. The victim does not have to be the person harassed, but could be anyone affected by the offensive conduct.

When interacting with others in the workplace, at assignments outside the workplace, at work sponsored social functions, or elsewhere, it is important to be sensitive to the way in which words and actions may be perceived by others. Your interaction with others could reasonably be perceived as offensive and unwelcome, and could be unlawful conduct, and therefore, sexual harassment.

3. Management and Supervisory Responsibilities

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 Developmental Service's Equal Employment Opportunity (EEO) 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.

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 sections 46a-60(a)(1) and 46a-80(a)(8) of the Connecticut General Statutes. Even though the Equal Employment Opportunity Commission and the Connecticut Commission on Human Rights and Opportunities establish a standard for determining DDS's liability for violations of sexual harassment, DDS's Sexual Harassment Prevention Policy exceeds those requirements.

DDS, hereby, affirms its commitment to ensure a work environment free from any form of discrimination, including sexual harassment.

E. References

Section 46a-54(15) and (16) "Definition" of the Connecticut General Statutes
Section 46a-68 "State Affirmative Action Plans" of the Connecticut General Statutes
Sections 46a-68-31 et seq. "Affirmative Action by State Government" of the Regulations of Connecticut State Agencies

F. Attachments

[II.F.PR.004 Attachment A Internal Discrimination Complaint Form](#)