



UNITED STATES GOVERNMENT OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

ANTI-HARASSMENT POLICY AND PROCEDURES

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Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 and the Americans with Disabilities Act of 1990. ONHIR as an employer and a Federal agency is committed to creating and maintaining a workplace environment that encourages and empowers employees to perform at their best.

ONHIR as an employer and a Federal agency is committed to creating and maintaining a workplace environment that encourages and empowers each individual employee to perform at this or her best.

Harassment, including sexual harassment, is strictly prohibited, regardless of whether the person engaging in the prohibited conduct is a manager, a coworker, a vendor, or a guest in ONHIR assigned or controlled space. This prohibition also applies to any employee conducting agency business, regardless of where the business is being conducted. ONHIR and the agency has a longstanding policy that harassment, including sexual harassment, in the workplace is prohibited and will not be tolerated. Violations of this policy may result in disciplinary action.

Harassment

Harassment is defined as unwelcome conduct, verbal or physical, based on an individuals' race, color, religion, sex (including pregnancy), national origin, religion, age (40 or older), disability or genetic information, sexual orientation, gender identity, retaliation or other category protected by law or policy and when:

- The behavior can reasonably be considered to adversely affect the work environment
- An employment decision affecting the employee is based upon the employee's acceptance or rejection of such conduct.

Examples of harassment or harassing behavior consistent with ONHIR's policy include, but are not limited to, the following:

- Threatening or intimidation that rejection of sexual overtures will affect appointment, promotions, transfers or evaluations
- Creating belittling caricatures or objects depicting persons of a particular race, national origin, religion or other protected category.
- Telling racial or ethnic jokes or stories.
- Teasing, mimicking or repeatedly commenting on an individual's disability, accent or other protected category.
- Making offensive comments, jokes or suggestions about an employee's gender.
- Making obscene or lewd comments, slurs, jokes, epithets, suggestions or gestures.
- Commenting on an employee's body or sexual characteristics.

- Displaying rude or sexually suggestive objects, pictures, images or cartoons.
- Continuing prohibited behavior after a co-worker has objected.
- Laughing at, ignoring, or retaliating against an employee who complains.

Sexual Harassment

Sexual harassment is defined as any unwelcome sexual advance, comments related to sex, requests for sex or sexual activities, or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either directly or indirectly a term or condition of an individual's employment or a basis for employment decisions affecting an individual, including advancement or continuation of employment.
- Such conduct is severe, persistent, pervasive, and not germane to the operations of the workplace or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, offensive, or abusive work environment.

Assurance will be given that employees who make claims of harassment including sexual harassment or provide information related to such claims will be protected against retaliation.

Supervisor/Manager Responsibilities

Managers have a special responsibility to ensure that the workplace is free of any form of sexual or other harassment. Therefore, ONHIR Managers are expected to clearly communicate ONHIR's anti-harassment policy to their staff and discuss its implications with them. Managers must immediately report any and all instances of harassment to the Human Resources office which is separate from the EEO program component. Doing so is an element of performance upon which Managers will be evaluated.

Employee Responsibilities

Employees also have a responsibility to themselves and each other to create an environment that is free of any form of sexual and other harassment. Therefore, the agency encourages its employees to report instances of, or concerns about, harassment to a Manager, the Human Resources office or the EEO Officer. However, doing so is not an element of performance on which employees will be evaluated.

Reporting Harassment

Harassing conduct, including sexual harassment, must be unwelcome and therefore, the perspective of the person subjected to the behavior as to whether the behavior is viewed as offensive, demeaning, or hostile is a primary consideration whether the behavior constitutes harassing conduct.

An employee who believes that they been subjected to harassing conduct can report the matter to their immediate supervisor, the agency Anti-Harassment Coordinator (AHC), or the Human Resources Director which is a separate from the EEO program component. ONHIR will not tolerate retaliation against a person who raises harassment concerns. Any employee who violates this policy or asserts a

false claim with malicious intent will be subject to appropriate discipline, up to and including termination. Every effort will be made to protect the confidentiality of the individuals bringing harassment claims. A contract employee who is alleging harassment by an ONHIR employee, or vice versa, should report to the AHC for guidance and processing consistent with these procedures.

Anti-Harassment Complaint Procedures

Anti-Harassment procedures set up a process for agency management to address employee allegations of harassment and take immediate and appropriate corrective action, including the use of disciplinary actions to eliminate harassing conduct regardless of whether the conduct violated the law. The goal of this policy is to address harassing conduct at the earliest stage before it can become "severe or pervasive" harassment within the meaning of anti-discrimination laws.

A prompt, thorough and impartial investigation of all complaints will be conducted. Supervisors or managers who observe or are notified of harassing conduct are required to assess the situation immediately and consult with the Anti-Harassment Coordinator(AHC), as well as subject matter experts in Human Resources and Equal Employment Opportunity communities. After consultation with the AHC and other officials, supervisors and managers and the AHC will conduct an appropriate inquiry or fact-finding. Depending on the circumstances the Supervisor may also be advised to provide appropriate interim relief during the process.

The supervisor, in consultation with the AHC and subject matter experts, will make the ultimate determination as to whether the conduct violated the policy. If so, the AHC will determine what type of corrective action is warranted. The agency will assure that all investigations take place immediately and are completed within 14 days. Any employee, supervisor or manager who is found to have violated ONHIR's Anti-Harassment Policy or procedures may be subject to appropriate disciplinary action, up to and including removal.

The Anti-Harassment Procedures do not affect EEO complaint process rights. The anti-harassment process is entirely separate from the EEO program process. An employee who reports allegation of harassment in accordance with this policy and procedures has not filed an EEO complaint. An employee who wishes to file an EEO discrimination complaint should contact the agency contracted EEO office within 45 days.

Training

The Human Resources office in conjunction with the Anti-Harassment Coordinator will assure that all supervisors and managers receive periodic training in the Anti-Harassment Policy and procedures of this agency.

Protection from Retaliation

ONHIR is committed to maintaining a work environment free of unlawful discrimination, including sexual and other harassment, intimidation, and exploitation. ONHIR prohibits retaliation of any kind against anyone who files a complaint of discrimination based on or related to race, color, religion, sex, national

origin, age, disability, sexual orientation, participation in the uniformed services, or any other factor for which protection is afforded under federal law or ONHIR policy. Individuals who assist or participate in the filing, investigation, or resolution of a complaint may do so without fear of retaliation.

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