

The Connecticut Agricultural Experiment Station, May 1, 2024
SEXUAL HARASSMENT PREVENTION POLICY AND COMPLAINT PROCEDURE

PURPOSE

It is The Connecticut Agricultural Experiment Station's (CAES) policy that all employees, volunteers, contractors, subcontractors, visitors, parties and others (collectively, covered individuals) have a right to work, fully participate in CAES proceedings, and otherwise be in an environment free of discrimination, which encompasses freedom from sexual harassment. CAES shall investigate and provide appropriate discipline, remedial measures and resolution for each complaint and each reported violation of this policy.

LAW AND SCOPE

Sexual Harassment is illegal and violates Title VII of the Civil Rights Act of 1964, 42 US Code Section 2000 et seq., as amended, as well as Connecticut General Statutes § 46a60(8). Other legal authority includes Regulations of Connecticut State Agencies, Sections 46a-68-31 through 74 and Public Act 03-151. While the Equal Employment Opportunity Commission (EEOC) established a standard for determining employer liability for sexual harassment under federal law, the standard in this policy exceeds that of the EEOC. For purposes of this policy, the workplace includes the actual physical site, any other place that is work-connected, assignments outside the workplace, or work-sponsored social functions, where inappropriate behavior or conduct affects an individual's ability to perform her/his job. Any covered individual who engages in conduct prohibited by this policy will be subject to discipline up to and including termination of employment. Any person who was subjected to a party's harassment will be apprised of her/his rights.

DEFINITION OF SEXUAL HARASSMENT

Sexual Harassment is defined by state and federal laws as any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made 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 a basis for employment decisions affecting such individual's employment, evaluation, wages, advancement, assigned duties, shifts or career development; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Prohibited conduct includes, without limitation:

- Repeated offensive, sexual flirtation, advances or propositions,
- Sexual assault;
- Exposing one's genitals, buttocks and/or breasts;
- Discussing sexual activities;
- Making sexually suggestive comments about an individual's body, physical appearance; or attire;
- Displaying sexually suggestive pictures, cartoons or drawings, or electronically downloading or transmitting sexually explicit material in e-mail messages;
- Inappropriate sexually suggestive use of the internet or screen savers

- Inappropriate use of cameras for photographs or recordings of a sexual nature
- Using gestures of a sexual nature, whistling or catcalling;
- Using sexually explicit offensive language or jokes;
 - Unnecessary, unwanted touch of a sexual nature, or physical interference with a person's movements;
- Derogatory comments about another's person's gender or sexual orientation;
- Retaliation against an employee for reporting sexual harassment; and
- While in a supervisory or command position, condoning or ignoring sexual harassment of which one has knowledge or has reason to have knowledge.

When interacting with others in the workplace, it is important to be sensitive to the way in which words and actions may be perceived by others. If they could reasonably be perceived as sexually offensive and unwelcome, they could be unlawful harassment. Sexual harassment is not limited to prohibited behavior by a male employee toward a female, or by a supervisory employee toward a non-supervisory employee. The gender of the complainant and/or the respondent is irrelevant. The complainant does not have to be the person at whom the unwelcome sexual conduct is directed; the complainant may be someone who is a witness to and personally offended by such conduct although directed toward another. Unwelcome sexual behavior is defined based on what a reasonable person would find offensive and disruptive, not the opinion of the respondent.

SEXUAL HARASSMENT COMPLAINT PROCEDURE

If the complainant prefers, they may report the matter directly to their supervisor. If the complainant feels uncomfortable reporting the harassment to a supervisor, they should immediately report the matter to any other member of management, including the CAES's Equal Employment Opportunity Officer and the Director.

CAES's Equal Employment Opportunity Officer is:

Dr. Lindsay Triplett
 123 Huntington Street,
 New Haven, Connecticut 06511
 (203) 974-8611

- CAES will not tolerate violations of this policy, and strongly encourages victims of sexual harassment to report such harassment as soon as it occurs. Internal complaints to the Equal Employment Opportunity Officer may be filed up to 30 calendar days after harassing conduct occurs, or after the complainant becomes aware of the harassing conduct. Complaints to the State CHRO or the Federal EEOC may be made up to 300 days after the harassing conduct occurs or is discovered (see "Federal and State Remedies" below).
- CAES will not tolerate sexual harassment by or of collaborators or vendors, will take all reasonable measures to prevent such harassment from occurring, and will correct any such harassment that occurs.

Sexual harassment undermines the integrity of the employment relationship. Each manager is responsible for maintaining a work environment free of sexual harassment. Further, all managers and supervisory staff share responsibility for the implementation of this policy. A supervisor or manager who receives a complaint about harassment, witnesses harassment, becomes aware of or believes that someone is engaging in prohibited conduct shall report it to CAES's Equal Employment Opportunity

Officer. Any supervisor or manager found to be in violation of any part of this policy, shall be subject to disciplinary action, up to and including termination.

INVESTIGATION OF SEXUAL HARASSMENT COMPLAINTS

The Equal Employment Opportunity Officer will investigate all reported complaints of sexual harassment for the purpose of determining whether the incident took place, whether it violated sexual harassment policy, and to determine what remedial actions, if any, are needed.

- Complaints may be submitted in writing to the Equal Employment Opportunity Officer. If the complainant is unwilling to submit a written complaint, a verbal complaint can be made through a meeting with the EEO. The EEO shall file the written complaint based on the information reported and shall continue the investigation.
- The respondent will be notified of the nature of the allegations and interviewed as part of the investigation. Respondents have the right to be interviewed in the presence of their union steward.
- The complainant may be asked for corroborating evidence, such as witnesses, e-mails, or text messages. Corroborating witnesses identified will be interviewed. The absence of corroborating evidence shall not, however, automatically lead to the conclusion that the alleged harasser did not violate this policy.
- The investigation will be conducted in a manner to protect the confidentiality of the parties and the witnesses. Information gathered in the course of the investigation will be kept as confidential as possible in accordance with applicable law.
- At the end of the investigation Equal Employment Opportunity Officer will write a report to the Director describing the allegations, summarizing the corroborating evidence, determining whether policy has been violated, and if so recommending an appropriate action to stop offending conduct and prevent further offending conduct. Actions may include a letter of counsel, employee counseling, sensitivity or sexual harassment training, a formal reprimand, suspension, involuntary transfer, demotion, or termination. Disciplinary actions including reprimands will proceed through the disciplinary process in the respondent's union contract.
- Action(s) shall be taken only against respondents. CAES shall not transfer the complainant in those instances where CAES has determined that this policy has been violated. If the complainant requests such transfer, the request will be considered by the Director.
- The Equal Employment Officer will make a reasonable effort to initiate investigations within 5 business days of the complaint, and to resolve all cases within 90 days of the complaint.
- The complainant will be informed of what action CAES has taken on her/his complaint. The complainant has the right to appeal the Equal Employment Officer's decision with the Director. The complainant also has the right to file a complaint at the state or federal levels (See Federal and State Remedies below).
- Even if a complainant seeks to withdraw a complaint, CAES shall complete its investigation.

RETALIATION FOR REPORTING SEXUAL HARASSMENT IS PROHIBITED

Retaliation against individuals who report sexual harassment, who object to sexual harassment, or assist in a sexual harassment investigation, is prohibited by law and by CAES. There will be no adverse consequences in the terms and conditions of employment and receipt of services of such an individual. Anyone who believes s/he may have been retaliated against may amend her/his complaint, or file a separate complaint, which will be investigated pursuant to this policy.

FEDERAL AND STATE REMEDIES

In addition to the above, anyone who believes s/he has been subjected to sexual harassment may file a formal employment discrimination complaint with: United States Equal Employment Opportunity Commission (EEOC) One Congress Street, 10th Floor Boston, MA 02114 (617) 565-3200

Anyone who believes they have been subjected to sexual harassment may file a formal complaint of employment discrimination and/or public accommodation discrimination with the following offices or other CHRO offices in the state:

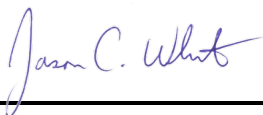
Connecticut Commission on Human Rights and Opportunities (CHRO)
21 Grand Street, 4th Floor, Hartford, CT 06106 (860) 566-7710
or
1229 Albany Avenue, Hartford, CT 06112, (860) 566-7710

CONCLUSION

Although this policy sets forth CAES's goal of promoting a workplace free of sexual harassment, this policy is neither designed nor intended to limit CAES's authority to discipline or otherwise take remedial action for workplace conduct which CAES deems unacceptable, regardless of whether that conduct satisfies the legal definition of sexual harassment. Since CAES is statutorily charged with enforcing the state's anti-discrimination laws, employees are expected to hold themselves to the highest possible standard in adhering to this policy and conducting themselves in a manner that reflects mutual dignity and respect. CAES reminds all employees that engaging in any of the conduct prohibited by this policy may constitute a violation of this policy without regard to whether it violates state or federal laws.

AMENDMENT/TERMINATION

Although CAES expects to continue this policy/procedure indefinitely, it reserves the right to interpret, amend, or terminate it at any time. This complaint procedure is specific to sexual harassment complaints, and may be initiated in lieu of CAES's internal Human Rights Complaint Procedure. CAES's Affirmative Action Grievance Process may be found in its entirety under Section 46a-68-89 of CAES's Affirmative Action Plan.



Jason C. White, Ph.D.
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