



STATE OF CONNECTICUT
DEPARTMENT OF MOTOR VEHICLES
 60 State Street, Wethersfield, CT 06161
<http://ct.gov/dmv>



AFFIRMATIVE ACTION POLICY

CHAPTER: **Affirmative Action**
 SUBJECT: **Sexual Harassment Prevention Policy**

Policy No: 105

Approved: *Sibongile Magubane*
 Sibongile Magubane, Commissioner

11/13/2020
 Date

SEXUAL HARASSMENT PREVENTION POLICY

PURPOSE

It is the policy of the Department of Motor Vehicles that all employees, volunteers, contractors, subcontractors, visitors, parties and others have a right to work and be in an environment free of discrimination, which encompasses freedom from sexual harassment. Sexual harassment undermines the integrity of the workplace and the personal dignity of the individual.

LAW AND SCOPE

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 the Connecticut General Statutes §§ 46a-60 (a)(1) and 46a-60 (a)(8). While the Equal Employment Opportunities Commission (EEOC) and the Commission on Human Rights and Opportunities (CHRO) establish a standard for determining employer liability for sexual harassment under federal and state law, the Department of Motor Vehicles' standard exceeds that of the EEOC and/or CHRO.

The Department of Motor Vehicles (DMV) prohibits sexual harassment, in any form, whether in the workplace, at assignments outside of the workplace, at work sponsored social functions, or elsewhere. Off-duty or non-duty behavior or conduct that affects DMV's workplace may also be considered sexual harassment. The workplace encompasses the actual physical workplace as well as any other place that is work-connected and the conditions or atmosphere under which people are required to work.

Any employee who engages in conduct prohibited by this policy will be subject to discipline; up to and including termination. Any person who violates this policy will be counseled and 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 both Connecticut and federal law as any unwelcome sexual advances, requests for sexual favors, and/or 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 or rejection of such conduct by an individual is used as the basis for employment decisions affecting the 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;
- Inappropriately commenting about an individual's body or physical appearance;
- Displaying sexually suggestive pictures, cartoons or drawings;
- Using unseemly gestures, whistling or catcalling;
- Using crude and offensive language, or sexually explicit jokes;
- Unnecessary touching or physical interference with a person's movements;
- Derogatory comments about another's sex 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.

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 victim may be someone who is a witness to and personally offended by such conduct when it is directed toward another person. Sexual harassment is unwelcome conduct that is personally offensive, that lowers morale, and that therefore interferes with work productivity. This unwelcome sexual behavior is defined from the perspective of the victim, not the harasser.

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When interacting with others in the workplace, it is important to be sensitive to the way in which others may perceive words and actions. If they could reasonably be perceived as offensive and unwelcome, they could be unlawful harassment. Normal, courteous, respectful, pleasant and non-coercive interaction between individuals, which is acceptable to all, is not considered to be sexual harassment. The gender of the complainant and/or the alleged harasser is irrelevant, even if they are of the same gender.

SEXUAL HARASSMENT COMPLAINT PROCEDURE

Anyone who believes s/he has experienced sexual harassment, or has witnessed sexual harassment by any employee, prospective employee, vendor or any other person in connection with her/his employment, should bring the matter to the immediate attention of the Department of Motor Vehicles' Equal Employment Opportunity Manager, Natalie Shipman at 60 State Street, Wethersfield, CT 06161 or contact her directly at (860) 263-5264. If the complainant prefers, s/he may report the matter directly to her/his supervisor. If the complainant feels uncomfortable reporting the harassment to her/his supervisor, s/he should immediately report the matter to any other member of management.

The DMV will not tolerate violations of this policy and strongly encourages victims of sexual harassment to report such harassment as soon as it occurs. The DMV will not tolerate sexual harassment by or of non-employees and will take all reasonable measures to prevent such harassment from occurring, and to correct any such harassment that occurs.

Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. Each manager is responsible for maintaining a work environment free of sexual harassment and to ensure mutual dignity and respect. All managers and supervisory staff share the 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 the Department of Motor Vehicles' Equal Employment Opportunity Manager, Natalie Shipman. 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

The Equal Employment Opportunity Manager will investigate all reported incidents of sexual harassment for the purpose of determining whether the incident took place, whether it constituted a violation of this policy, and to determine what remedial actions, if any, are needed. The investigation of a reported incident will be initiated within five (5) business days of the receipt of a report and conducted in a timely fashion.

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- All investigations will be conducted in as confidential a manner as possible.
- The complaint will be reduced to writing and signed by the complainant. (If for any reason, however, the complainant is unwilling to submit a written complaint, the party to whom s/he complained shall make a written complaint based on the information reported.)
- Both the complainant and the alleged harasser will be interviewed as part of the investigation and both will be informed of the non-retaliation provisions of this policy. Usually, the alleged harasser will be interviewed after all other parts of the investigation are completed
- The complainant will be asked for corroborating evidence, and corroborating witnesses identified will also 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 and rights of the parties and the witnesses. The investigator's notes will be kept confidential and not included in any personnel file.
- The investigator will report to the Commissioner or his/her designee. The Commissioner or his/her designee will make the final decision on what appropriate action should be taken to stop the offending conduct, to prohibit further offending conduct, and to restore good workplace relations. Such actions may include reprimands, sensitivity training or sexual harassment awareness training, requiring apologies, written warnings, transfer, demotion, suspension and even termination. The preceding action shall be taken only against the alleged harasser, anyone who assisted in harassment and/or retaliated against the complainant. The DMV shall not transfer the complainant in those instances where the agency has determined that this policy has been violated, unless the complainant requests such transfer.
- The complainant will be informed of what action, if any, the DMV has taken on her/his complaint.
- The timeframe for filing, processing and resolving the complaint will be in accordance with the affirmative action regulations, but in any event, will be completed within the ninety (90) days from the filing of the complaint.

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 the Department of Motor Vehicles. There will be no adverse consequence in the terms and conditions of employment and receipt of services of such an individual. An employee 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 complaint with either or both of the government agencies below:

United States Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02114
(800) 669-4000

Connecticut Commission on Human Rights and Opportunities (CHRO)
450 Columbus Boulevard
Hartford, CT 06103-1835
(860) 566-7710
TDD (860) 566-7710

CONCLUSION

Although this policy sets forth the Department of Motor Vehicles' goal of promoting a workplace free of sexual harassment, this policy is neither designed nor intended to limit the employer's authority to discipline or otherwise take remedial action for workplace conduct which the DMV deems unacceptable, regardless of whether that conduct satisfies the legal definition of sexual harassment.

The DMV reminds all employees that engaging in any of the activities prohibited by this policy (see above) may constitute a violation of this policy without regard to whether it violates state or federal law. DMV may take disciplinary action, up to and including dismissal, for engaging in any such prohibited conduct.

AMENDMENT/TERMINATION

Although DMV expects to continue this policy/procedure indefinitely, it reserves the right to interpret, amend or terminate it at any time.