Procedure No: II.F.PR.002 Issue Date: July 1, 2013

**Subject:**  **Sexual Harassment Prevention Policy and Reporting** **Effective Date:** Upon release

 **Procedure** **Revised Date:** April 1, 2018

**Section:** Affirmative Action and Equal Employment Opportunity **Revised Date:** May 1, 2023

 **Approved:/**s**/**Jordan A. Scheff/

## 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 also may 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.

## Purpose

The purpose of the Department of Developmental Services’ Sexual Harassment Prevention Policy and Reporting Procedure is to foster an environment in which no employee or non-employee including, but not limited to, applicants, 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 shall be subject to disciplinary action pursuant to DDS’s Discipline Policies up to and including termination. Any person who is subjected to sexual harassment shall be apprised of his or her rights. This Sexual Harassment Prevention Policy and Reporting Procedure clearly defines and explains what sexual harassment is and what the responsibilities and reporting procedures are for DDS managers, supervisors, and employees.

## Applicability

This Sexual Harassment Prevention Policy and Reporting Procedure applies to all (1) Department of Developmental Services employees; (2) applicants for employment with the department; (3) employees of providers or contractors licensed or funded by the department; (4) volunteers who provide services to the department or to individuals funded by the department; and (5) visitors to department funded programs and facilities.

## Definitions

“Complaint” means a formal allegation against a party. Complaints shall 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.)

“Sexual Harassment” is defined in both Connecticut General Statutes and federal law as a form of sex discrimination: Any unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature or that is addressed to sexual attributes, including disparagement or hazing, on the basis of sex, gender identity or expression, or sexual orientation, when:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment;
2. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting the individual; or
3. 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.
4. **Implementation**
5. **General Principles:**
6. Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship and the professionalism and efficiency of the Department.
7. This policy shall protect both employees and non-employees including volunteers, vendors, contractors, and visitors.
8. This policy protects employees from sexual harassment in their employment, regardless of the source of the sexual harassment.
9. Identification of verbal or physical conduct 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 or could reasonably be perceived as sexual harassment by the person experiencing it.
10. The conduct need not be repeated, severe or pervasive to constitute a violation of this policy.
11. This policy does not prohibit normal, courteous, respectful, pleasant and non-coercive interactions.
12. **Specific Prohibitions of Sexual Harassment:**

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

1. Inappropriately commenting about a person's body or physical appearance;
2. Unnecessary touching or physical interference with a person’s movements (such as blocking one's path);
3. Exposing one’s genitals or buttocks;
4. Discussing sexual activities;
5. Displaying sexually demeaning pictures, suggestive photographs, cartoons or objects;
6. Using unseemly gestures, whistling or catcalling;
7. Using crude or offensive language of a sexual nature;
8. Telling or distributing sexually explicit jokes;
9. Derogatory comments about another’s sex or sexual orientation;
10. Repeated offensive, sexual flirtation, advances or propositions;
11. Subjecting a person to pressure for dates;
12. Sexually explicit correspondence: emails, texts, calls, notes or posts;
13. Displaying sexually explicit images on cell phones or other electronic devices;
14. Retaliation against an employee or other person for reporting sexual harassment;
15. Condoning or ignoring sexual harassment of which one has knowledge or has reason to have knowledge while in a supervisory position; and
16. Sexual contact.

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

1. The victim as well as the harasser may be a man or woman. The victim does not have to be of the opposite sex.
2. The harasser may be the victim’s supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
3. The victims of sexual harassing conduct do not only have to be the person or persons who have been harassed but could be anyone affected by the offensive conduct.

When interacting with other persons 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.

## Management and Supervisory Responsibilities

1. A supervisor or manager who (1) receives a complaint about sexual harassment, (2) witnesses sexual harassment, or (3) becomes aware of or believes that someone is engaging in prohibited conduct shall immediately report it to the Department of Developmental Services’ Equal Employment Opportunity (EEO) Office.
2. 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.
3. Failure of a manager or supervisor to comply with the requirements of detecting, reporting or intervention set forth in this policy constitutes a violation of this policy and shall subject such manager or supervisor to disciplinary action.
4. 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(b)(1) and 46a-60(b)(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.
5. DDS, hereby, affirms its commitment to ensure a work environment free from any form of discrimination, including sexual harassment.
6. Incidents or allegations of a sexual nature shall be reported to DDS Equal Employment Opportunity Office (EEOO) staff. DDS EEOO staff may be reached by: (1) phone at (860) 418-6022; (2) e-mail at **DDS.EEOReporting@ct.gov**; or (3) writing to DDS Equal Employment Opportunity Office, 460 Capitol Avenue, Hartford, Connecticut 06106.

## References

**Connecticut General Statutes**

[Sec. 46a-54. Commission powers.](https://search.cga.state.ct.us/sur/chap_814c.htm#sec_46a-54) Subsections (15) and (16)

[Sec. 46a-60. Discriminatory employment practices prohibited.](https://search.cga.state.ct.us/sur/chap_814c.htm#sec_46a-60)

[Sec. 46a-68. State affirmative action plans: Filing; monitoring; reports; equal employment opportunity officers; review and investigation of discrimination complaints; regulations.](https://search.cga.state.ct.us/sur/chap_814c.htm#sec_46a-68)

**Regulations of Connecticut State Agencies**

Sections 46a-68-75 et seq. “Affirmative Action by State Government”

## Attachments

II.F.PR.004 Attachment A [Internal Discrimination Complaint Form](https://portal.ct.gov/-/media/DDS/AdminManual/IIF/IIFPR004_Attachment_A_Internal_Discrimination_Complaint_Form.docx)