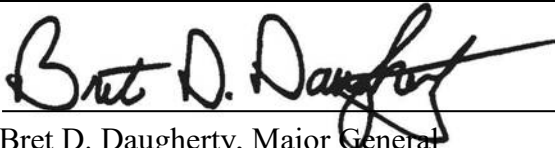




Department Policy No. HR-226-98

Subject:	Sexual Harassment Policy and Reporting Procedure
Authorizing Source:	Civil Rights Act of 1964, as Amended in 1991 RCW 49.60 Washington State Law Against Discrimination WAC 357-25-027, WAC 357-34-100, WAC, 357-34-105, WAC 357-34-110 Governor's Executive Order 89-01 WMD HR Policy 245-05
Information Contact:	Human Resources Director Building #33 (253) 512-7941
Effective Date:	January 1, 1998
Mandatory Review Date:	July 19, 2023
Revised:	July 19, 2019
Approved By:	 Bret D. Daugherty, Major General The Adjutant General Washington Military Department Director

Purpose

The Washington Military Department (WMD) is committed to providing a workplace that is free from all forms of discrimination, including sexual harassment. This policy is also part of WMD's commitment to diversity and inclusion, and a workplace free from disrespect, divisiveness, incivility and inappropriate behavior.

Scope

This policy is applicable to all state employees, applicants for state employment, contractors, vendors, interns, volunteers (paid or unpaid), and all other persons conducting business with the Washington Military Department (WMD).

Definitions

Sexual harassment and retaliation are prohibited by the Civil Rights Act of 1964, as amended in 1991, and RCW 49.60, the Washington State Law Against Discrimination.

Sexual harassment is defined as unwelcome language or conduct of a sexual nature, or language or conduct that is because of that person's sex when:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of employment, or
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment can be in the form of:

- Physical conduct including but not limited to: sexual assault; grabbing; poking; pressing or intentionally brushing up against another person's body; blocking someone's movement or invading their space; touching, or any other unwanted and intentional physical contact.
- Visual conduct including but not limited to: leering; sexual gestures/displaying of sexually suggestive objects, pictures, cartoons, posters, screen savers, or websites; or sending sexually derogatory or suggestive text messages, videos or messages via social media.
- Verbal conduct including but not limited to: sexually derogatory comments, epithets, slurs and jokes; verbal abuse of a sexual nature; graphic verbal comments about an individual's body, gender, or stereotypical gender roles; subtle or obvious pressure for unwelcome sexual activities; sexually suggestive or obscene letters, notes, emails, or texts; conversations, stories, comments or jokes about a person's sexuality or gender identity or expression.

Sexual harassment is not limited to the physical workplace. It can occur during travel, at events sponsored by WMD or via phone, email, or social media, and persons who engage in sexually harassing conduct outside of the workplace or outside of work hours will be subject to corrective action.

Other actions not listed above could constitute sexual harassment and/or a violation of this policy and be subject to corrective action.

Policy

Sexual harassment in any form will not be tolerated. All persons covered by this policy who engage in sexual harassment or retaliation will be subject to corrective action, up to and including termination from employment. All persons covered by this policy are required to cooperate with any internal investigation of sexual harassment.

Managers and supervisors who fail to take appropriate action when they receive a complaint of, observe, or otherwise become aware of sexual harassment, will be subject to corrective action.

This policy will be distributed annually to all employees and will be provided to employees upon hire and promotion. Information on how to report sexual harassment will be prominently posted in all work locations and applicable areas such as break rooms, locker rooms, etc. and will be available online.

All employees will receive sexual harassment training in accordance with [WAC 357-25-027](#), [WAC 357-34-100](#), [WAC, 357-34-105](#), and [WAC 357-34-110](#) as follows:

1. **New Employees**: Must complete sexual harassment awareness and prevention training within the first 30 days of their employment. This training may be waived if the employee can show proof that they received training given by another state agency within the same time frame that satisfies this requirement. If it is waived, the HR Office must review this Sexual Harassment Policy with the employee within 30 days of their employment.
2. **Current Employees**: Must complete sexual harassment awareness and prevention training at least once every five years.
3. **Supervisors and Managers**: Must complete training on manager's roles and responsibilities regarding sexual harassment within the first six months of becoming a manager or supervisor and then at least once every three years thereafter. Managers and supervisors should be able to understand and recognize sexual harassment, and to provide information and direction to employees regarding this Policy and Reporting Procedure.

Agency training compliance is reported to Department of Enterprise Services in the Human Resource Manager's annual report.

Employees who believe that they have been subjected to sexual harassment may file a complaint under the following sexual harassment investigative procedures.

Procedures

Reporting

Any employee who believes they have been the target of sexual harassment or who witnesses sexual harassment by another employee, manager, supervisor, or any other person covered by this policy, is encouraged to follow WMD's reporting procedure by immediately contacting their supervisor and/or the Human Resources Office (253-512-7940).

If the person experiencing sexual harassment chooses to and can do so safely, they may inform the harassing person that such conduct is unwelcome and offensive and must stop. The employee does not need to confront the harasser in order for a complaint, investigation, and corrective action to take place.

When a supervisor receives a complaint alleging sexual harassment, he or she shall immediately notify the Human Resource Director of the allegations. The Human Resources Director will initiate the investigation if appropriate.

Investigations

Employers have an obligation to investigate and conduct a prompt and thorough investigation that ensures a fair process for all parties, whenever a complaint about sexual harassment is received or they otherwise become aware of possible sexual harassment.

Investigative procedures depend on the nature and extent of the alleged sexual harassment. Procedures may include informal review or formal investigations. A formal investigation may include interviews with the complainant, the alleged harasser, and observers.

Every effort will be made to maintain confidentiality to the extent permitted by law, however confidentiality cannot be guaranteed.

If, after the investigation is complete, there is a finding that sexual harassment occurred, the appointing authority (The Adjutant General) may take appropriate disciplinary action up to and including termination of employment. The complainant shall be informed of the status and the outcome of an investigation.

If, during the investigation, the allegations made are found to have been made under false pretenses or determined to be frivolous in nature, the person making the accusations may be subject to appropriate disciplinary action, up to and including termination of employment.

Retaliation

Retaliation is unlawful under federal, state and applicable local laws. The Washington State Law Against Discrimination (RCW 49.60) protects any individual who has engaged in “protected activities” including: making a complaint; providing information about a complaint; assisting in a proceeding; informing their supervisor about a complaint or reporting that another employee has been sexually harassed.

WMD will not tolerate retaliation against anyone who reports or participates as a witness in a sexual harassment complaint. Any employee found to have violated this policy will be subject to corrective and/or disciplinary action, up to and including termination of employment.

Complaints to Outside Agencies

All covered persons have the right to file a discrimination, harassment, and/or retaliation complaint with outside agencies such as:

- 1) The Washington State Human Rights Commission (WSHRC) – www.hum.wa.gov, 1-800-233-3247 or
- 2) The Equal Employment Opportunity Commission (EEOC) - www.eeoc.gov, 1-800-669-4000 or 1-844-234-5122