ADDENDUM B- DHMH POLICY 02.06.02
Deputy Secretary For Operations - Office of Community Relations

SEXUAL HARASSMENT

SEXUAL HARASSMENT POLICY
EMPLOYEE ACKNOWLEDGMENT FORM

I hereby acknowledge receipt of a copy of the DHMH Policy on Sexual Harassment.

PRINTED NAME:

SIGNATURE:

SOCIAL SECURITY NUMBER: _____-___-_____

DATE:

ADMINISTRATION/DIVISION:

CLASSIFICATION:

A Copy of this form will be kept in the Employee's DHMH Personnel Folder

DHMH Form 4527

DHMH POLICY

http://www.dhmh.state.md.us/policies/inpolm.htm

OFFICE OF DIVERSITY AND INCLUSION (ODI) / EQUAL OPPORTUNITY PROGRAMS (EOP)

DHMH POLICY 01.02.02
Effective March 7, 2011

SEXUAL HARASSMENT POLICY

I. EXECUTIVE SUMMARY

The Department of Health and Mental Hygiene (DHMH) prohibits sexual harassment in the workplace. This policy applies to all facilities and programs operated by the DHMH; grant-in-aid programs; and health services providers/contractors/subcontractors receiving Federal or State funds. No administration or DHMH component shall do business with firms, which engage in or allow sexual harassment. DHMH employees shall cooperate with the Director, Office of Diversity and Inclusion (ODI), in the implementation of this policy.

DHMH employees are prohibited from engaging in conduct that would constitute sexual harassment. Examples of potential sexual harassment conduct are cited in this policy. An employee or job applicant may file a sexual harassment complaint with DHMH or with an external agency without fear of reprisal. An employee who files a sexual harassment complaint with the Maryland Commission on Human Relations (MCHR) must do so within six months from when the alleged harassment occurred, or within 300 business days with the U.S. Equal Employment Opportunity Commission (EEOC).

The Director, DHMH Personnel Services Administration, shall have lead responsibility for assuring that new employees are informed about this policy. Supervisors shall communicate this policy to employees annually and to prospective employees during the interview process.

This policy establishes guidelines for supervisors, managers, Equal Employment Opportunity Designees (EEOD), or EEO Officers when investigating sexual harassment complaints. Supervisors shall seek guidance from the Director, Equal Opportunity Programs (EOP), before determining the appropriate disciplinary action against an employee who commits a sexual harassment offense against another DHMH employee or job applicant. This policy shall become part of the agreement/contract between DHMH and prime contractors/subcontractors who receive DHMH, State, or Federal funds for fulfilling service, maintenance, or commodity contracts.

DHMH will not condone discriminatory practices within DHMH and will not conduct business with firms that allow sexual harassment. This policy is established to ensure that every employee clearly understands that sexual harassment is illegal and will not be tolerated.

II. BACKGROUND

This version DHMH 01.02.02 recodifies, supersedes and replaces DHMH 02.06.02 dated March 15, 2002. That version replaced DHMH 4144, "Policy on Sexual Harassment", which was

issued January 23, 1989 and which was last revised April 19, 1997. The changes to this version are administrative in nature and include changing the codification number, changing the office name and updating references and hyperlinks..

Included by reference are the following codes that prohibit sexual harassment in the workplace:

- Title VII of the Civil Rights Act of 1964, as amended;
- Equal Employment Opportunity Commission Policy Guidance on Sexual Harassment;
- Title 20 (formerly Article 49B), Annotated Code of Maryland;
- Title 5, State Personnel and Pensions;
- Executive Order 01.01.2007.16 – Code of Fair Employment Practices;
- State of Maryland Sexual Harassment Policy and Procedure, Department of Management and Budget.

III. POLICY STATEMENTS

A. GENERAL PROVISIONS

Sexual harassment is an infringement upon an employee's right to work in an environment free from unwanted sexual attention and sexual pressure. Sexual harassment usually involves a male supervisor and a female subordinate, but may be initiated by a supervisor or employee of the same or opposite sex against a supervisor or employee of the same or opposite sex. In addition to being a personal violation, sexual harassment, especially between the supervisor and the employee, threatens a person's livelihood and creates a hostile work environment. Sexual harassment is a form of sex discrimination and it is illegal.

1. Sexual harassment is prohibited in the DHMH workplace by Federal and State laws, State regulations and policies, Executive Order, and this Departmental policy.

2. The Department of Budget and Management (DBM)Office of Personnel Services and Benefits (OPSB) publication entitled State of Maryland Sexual Harassment Policy and Procedure, http://dbm.maryland.gov/eeo/Pages/SexualHarassPolicy.aspx offers guidance on sexual harassment, and promotes a work environment that is free from sexual harassment.

3. An employee or DHMH job applicant, who believes that he or she has been sexually harassed, may file a complaint at any of the offices or agencies listed in Section III D of this policy.

4. Employees shall refrain from conduct such as asking other employees for sexual favors; making sexual advances toward employees; making lewd remarks or telling obscene jokes; and displaying or sharing with another employee sexually explicit pictures, drawings, emails, etc.

5 Employees shall be required to sign a form (See Appendix B, http://www.dhmh.state.md.us/forms/download/personnl/sexhar.pdf) acknowledging receipt of this policy. The form is to be kept in the employee's Personnel file.

6. This policy shall apply to all DHMH facilities and programs operated by the Department; grant-in-aid programs; and health services providers, contractors/sub-contractors receiving DHMH, State or Federal funds.

7. DHMH prohibits the transaction of business with any individuals or entities that engage in or permit sexual harassment.

8. Each deputy secretary, program director, facility director, unit head, and supervisor shall:

a. Fully cooperate with the Director, EOP, in implementing this policy;

b. Appoint one or more EEOD for each unit; and

c. Forward the EEOD list(s) to the Director, EOP, upon request.

9. An employee's supervisor must act promptly upon receipt of a sexual harassment complaint and either: (i) thoroughly investigate all allegations in coordination with EOP;, or (ii) cooperate, as appropriate, with EOP's investigation. If sexual harassment is proven, the offending employee's supervisor must receive guidance from the Director, EOP, before taking disciplinary action against the offending employee. Depending upon the seriousness of the sexual harassment act, disciplinary action may include, but is not limited to suspension or termination of the offending employee. The victim does not have to be the person who is harassed, but could be anyone who is affected by the offending employee's conduct.

B. EXAMPLES OF POTENTIAL SEXUAL HARASSMENT CONDUCT

1. Employees are prohibited from engaging in questionable conduct that could be construed as sexual harassment including, but not limited to:

a. Unwelcome sexual advances; requests for sexual favors; and conversations about sex or physical conduct of a sexual nature;

b. Discrimination based upon sex that results in economic or privilege loss to the employee(s);

c. Unwelcome sexually explicit remarks or unwelcome sexual advances against a fellow employee or applicant for employment at any

time while on DHMH's premises, or off the premises when an employee may be on a work assignment.

2. Prohibited remarks or sexual advances may include, but are not limited to:

a. Lewd expressions, catcalls, whistles, obscene gestures, or references to an employee's anatomy:

b. Unwanted physical advances, touching, brushing, pinching, or contact by one employee to another;

c. Requests or demands for kisses, petting, or sexual intercourse from one employee to another;

d. Repeated propositions for dates by one employee to another;

e. Requiring an employee to listen to sexually suggestive jokes or remarks whether the employee wishes to or not;

f. Threats of rape or attempted rape;

g. Displaying or sharing sexually explicit or offensive materials, pictures, drawings, e-mails, etc.

C. GUIDELINES FOR AN EMPLOYEE WHO FEELS THAT HE OR SHE HAS BEEN SEXUALLY HARASSED

An employee who feels that he or she has been sexually harassed should take the following steps:

1. Inform the offending person that the remark or behavior is unwelcome and should cease immediately;

2. Document when, where, how, and who committed the alleged sexual harassment act(s) and any witnesses present when these events occurred.

3. Keep a record of a) whom the sexual harassment allegations were reported to; and b) when, where, and how sexual harassment complaints were reported to supervisory/management personnel, the DHMH Personnel Services Administration, the ODI's Equal Opportunity Programs, or the Office of the Statewide EEO Coordinator.

D. REPORTING OF PROHIBITED CONDUCT

1. If an employee or job applicant feels that he or she has been sexually harassed, he or she has the right to file a sexual harassment complaint with any of the following agencies:

a. The employee's supervisor, the supervisor of the alleged sexual harasser, the Director, Personnel Services Administration, or his or her EEO designee;

b. Director, DHMH Equal Opportunity Programs (EOP), 201 West Preston Street, Baltimore, Maryland 21201;

c. Maryland Commission on Human Relations, 6 Saint Paul Street, 9th Floor, Baltimore, Maryland 21202

d. United States Equal Employment Opportunity Commission, 10 S. Howard Street, Baltimore, Maryland 21201.

2. EOP's procedures for handling sexual harassment complaints shall be consistent with the State of Maryland Sexual Harassment Policy and Procedures.

3. An employee or applicant for employment may seek assistance from a DHMH Facility or Administration Director, EEO designee, or the Director, EOP, prior to filing a complaint.

4. An employee who files a sexual harassment complaint with the MCHR must file within six months of the alleged occurrence of the sexual harassment act, or with EEOC within 300 days.

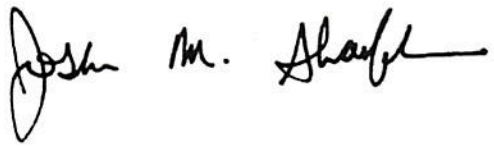
IV. REFERENCES

- Title VII, Civil Rights Act of 1964, as amended
  http://www.eeoc.gov/laws/statutes/titlevii.cfm
- Executive Order 01.01.2007.16 – Code of Fair Employment Practices,
  http://www.governor.maryland.gov/executiveorders/01.01.07.16FairHiring2.pdf
- Title 20 (formerly Article 49B), Annotated Code of Maryland,
  http://www.michie.com/maryland/lpext.dll/mdcode/292b1?fn=document-frame.htm&f=templates&2.0#
- Title 5, State Personnel and Pensions Article, Annotated Code of Maryland
  http://www.michie.com/maryland/lpext.dll/mdcode/21b78/21d90?fn=document-frame.htm&f=templates&2.0#
- U.S. Equal Employment Opportunity Commission, Policy Guidance on Sexual Harassment,
  http://eeoc.gov/laws/types/sexual_harassment.cfm.
- EEOC Facts on Sexual Harassment
  http://eeoc.gov/eeoc/publications/fs-sex.cfm.
- State of Maryland Sexual Harassment Policy and Procedure, Department of Budget and Management
  http://dbm.maryland.gov/eeo/Pages/SexualHarassPolicy.aspx

V. ADDENDA

- DHMH Form 4527, Sexual Harassment Policy Employee Acknowledgement Form
  http://www.dhmh.state.md.us/forms/download/personnl/sexhar.pdf

APPROVED:



Joshua M. Sharfstein, M.D., Secretary, DHMH

March 7, 2011
Effective Date