

Universal State Personnel System Policy

ANTI-HARASSMENT POLICY



DPA

Generally: Colorado State Government is proud of its tradition of maintaining a work environment where all persons are treated with dignity and respect. Each individual shall be provided with the opportunity to work in a professional atmosphere which promotes equal opportunities and prohibits discriminatory practices. Such practices include harassment or retaliation based on a person's disability, race, creed, color, sex, sexual orientation, religion, age, national origin, or ancestry, or in retaliation for participation in a protected activity that includes filing a discrimination charge, testifying, or participating in any way in an investigation or other proceeding. Harassment, whether verbal, physical, or environmental, is unacceptable and will not be tolerated in the workplace itself or in other work-related settings such as business trips, conferences, or social events.

Definitions:

Harassment: any offensive conduct, verbal or physical, based on a person's disability, race, creed, color, sex, sexual orientation, religion, age, national origin, or ancestry if such conduct adversely affects that person's work performance or employment status, or otherwise creates an intimidating, hostile or offensive work environment. Examples of prohibited conduct may include derogatory comments, remarks, gestures, or jokes relating to a person's race, national origin, gender, age, sexual orientation, religion, or disability; racial or ethnic slurs; negative epithets; physical assaults or threats; intimidation; ridicule or mockery; insults or put-downs; or offensive objects or pictures.

Retaliation: action(s) against an employee because he or she has opposed an unlawful employment practices or made a charge, testified, assisted or participated in an investigation, proceeding or hearing.

Prohibitions:

Colorado State Government will not tolerate, condone or allow harassment based on disability, race, creed, color, sex, sexual orientation, religion, age, national origin, or ancestry, or in retaliation for participation in a protected activity. This prohibition covers harassment by *anyone* in the workplace – supervisors, co-workers, or non-employees.

Prevention is the best tool to eliminate harassment in the workplace. Managers and supervisors must take appropriate steps to prevent and correct unlawful harassment. They shall clearly communicate to employees that unwelcome harassing conduct will not be tolerated. Each Department/Agency must establish an effective complaint process, provide anti-harassment training to their staff and employees, and take immediate and appropriate action when an employee complains. Managers and supervisors are

responsible for creating an environment in which employees feel free to raise concerns and are confident that those concerns will be addressed.

Managers and supervisors shall make clear that adverse treatment of employees because they report harassment or provide information related to such complaints will not be tolerated. Management shall undertake whatever measures are necessary to ensure that retaliation does not occur. For example, when management investigates a complaint of harassment, the official who interviews the parties and witnesses should remind these individuals about the prohibition against retaliation. Management must also scrutinize employment decisions affecting the complainant and witnesses during and after the investigation to ensure that such decisions are not based on retaliatory motives.

Employees are encouraged to inform the alleged harasser directly that the conduct is unwelcome and must stop. Employees should also report harassment to management at an early stage to prevent its escalation.

Managers and supervisors shall assure employees who make complaints of harassment or provide information related to such complaints that:

- they will be protected against retaliation;
- there is a clearly described complaint process that provides accessible avenues to lodge a complaint and that provides a prompt, thorough, and impartial investigation;
- the employee's confidentiality will be protected to the extent possible; and
- the appointing authority or delegated management official will take immediate and appropriate corrective action when he/she determines that harassment has occurred.

Notice to Employee:

Upon the filing of a complaint, employees shall be advised that the deadline for filing an EEOC charge is 300 days after the last date of alleged harassment. This deadline is *not* extended because an internal investigation of the complaint is pending.

LAWS:

The right of employees to be free from harassment is protected under federal and state law. Including:

C.R.S. 24-34-402, Discriminatory or Unfair Employment Practices which specifies those practices which are discriminatory or unfair including harassment.

Title VII of the Civil Rights Act of 1964 prohibits discrimination based on race, sex, color, religion, and national origin.

Age Discrimination in Employment Act of 1967 prohibits discrimination against employees and applicants who are over 40 years of age.

The Civil Rights Act of 1991 expands the scope of relevant civil rights statutes to provide adequate protection to victims of discrimination, and provides appropriate remedies for intentional discrimination and unlawful harassment in the workplace.

Contact your HR office for information on this policy.