

HARASSMENT PROHIBITED

Description and Scope - In order to provide and maintain a productive work environment consistent with merit principles, free of discriminatory practices, and in accord with M.S. § 43A.01, Subd. 2, (Precedence of Merit Principles and Nondiscrimination) it is necessary to remove and eliminate all forms of harassment. Harassment is a form of discrimination and in general is the display of behavior by one employee toward another employee which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. Of particular concern is sexual harassment which is unwelcome sexual advances by an employee toward another employee, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

An employee's submission to such conduct is made either explicitly and/or implicitly a term or condition of an individual's employment.

An employee's submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual.

Objective - To provide a work environment free of verbal or physical harassment based on race, color, creed, religion, national origin, sex, sexual orientation, disability, age, marital status, status with regard to public assistance, veteran status or any belief or attribute unrelated to job performance.

Responsibility -

A. Appointing Authorities

- Establish a procedure for internal resolution of harassment complaints that are not based on protected status.
- Ensure that each employee who makes or recommends employment and other personnel decisions is fully aware of and complies with this policy.
- Notify all employees and orient each new employee to this policy.
- Establish a complaint procedure for timely and thorough investigation of all complaints of harassment.
- Inform each employee of the procedures for filing and investigating complaints of harassment.
- Managers and Supervisors are accountable for ensuring that their work units are free of harassment.

B. Department of Employee Relations:

- Ensure that all Affirmative Action Officers are aware of the need to differentiate between protected status and general harassment.
- Inform agencies of the statewide policy prohibiting harassment.
- Upon request, provide training to agencies on the content and implementation of the statewide policy prohibiting harassment.

C. Employees:

- Utilize the established affirmative action complaint procedure when subjected to harassment.

Other Relevant Laws, Rules, Contracts and Administrative Procedures:

The following items have an impact on material contained in this procedure. Review of these items is essential for a total understanding of the subject.

- A. M.S. § 363.03, Subd. 1 - Unfair Discriminatory Employment Practices, Department of Human Rights
- B. Section 703 of Title VII of the Civil Rights Act of 1964 as amended in 1972, 42 U.S.C. 2000e et seq., prohibiting discrimination on the basis of race, color, religion, sex, or national origin
- C. Equal Employment Opportunity Commission Sex Discrimination Guidelines dated March, 1980, 29 CFR Part 1604.
- D. Continental Can Company, Inc. vs. State of Minnesota, 297 N.W. 2d 241 (Minn. 1980), establishing the potential liability of the employer for acts of harassment by one employee towards another.

