



# Arkansas Community Correction

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## ADMINISTRATIVE DIRECTIVE: 15-19 Harassment

**TO:** Arkansas Community Correction Employees

**FROM:** Sheila Sharp, Director

**SUPERSEDES:** AD 10-03

**APPROVED:** \_\_\_\_\_ **Signature on File**

**EFFECTIVE:** December 31, 2015

- I. APPLICABILITY.** This policy applies to all Arkansas Community Correction (ACC) employees and its agents. Agents include volunteers, interns, contractors, and vendors. It is applicable to all phases of employment, including testing, training, hiring, promotion, demotion, transfer, and termination.
- II. POLICY.** ACC policy is to provide an environment where employees can work together comfortably and productively, free from harassment. ACC has zero tolerance for harassment by employees and agents.
- III. EXPLANATION.**  
Harassment is a form of employment discrimination that violates state and federal laws. Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information or any other legally prohibited basis.
- A. Sexual Harassment.** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment 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 such individual; or
  3. 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.
- B. Non-Sexual Harassment.** Unwelcome verbal or physical conduct that is not directly sexual directed toward or differential treatment of, someone because of his/her membership in any protected group or on any other prohibited basis.

**C. Retaliation.** Any employee bringing a harassment complaint will not be adversely affected in terms and conditions of employment, or discriminated against or discharged because of the lodging of a complaint.

#### **IV. COMPLAINT PROCEDURE.**

**A. Complaint.** An employee who alleges harassment prohibited under this administrative directive is encouraged to report the allegations through one of the following means:

1. His/her supervisor or someone above the supervisor in the supervisory chain, if the immediate supervisor is the alleged harasser
2. Employee Grievance and Mediation Procedure
3. ACC Human Resources Administrator, or
4. Internal Affairs Administrator.

**B. Response.** When an ACC supervisor, manager, or administrator becomes aware of alleged harassment of an employee under his/her supervision, he/she must respond as follows:

1. Do not require anyone who files a grievance or complaint involving sexual harassment to solely or independently confront any person who has allegedly conducted or caused any action believed to be sexual harassment.
2. Immediately notify the appropriate Deputy Director through the supervisory chain. The Deputy Director must assign an appropriate person to conduct an investigation. If someone other than the Internal Affairs Investigator conducts the investigation, he/she may contact the IAA for assistance with tracing telephone calls and/or electronic records retrieval and may consult the EEO/Grievance Officer or Human Resources Administrator as needed.
3. Take appropriate steps to protect the person alleging harassment.
4. Every effort should be made to complete the investigation within 10 days of becoming aware of alleged harassment.
5. Consider any advice received from the Human Resources Administrator and the EEO/ Grievance Officer, and with the consent of the appropriate manager or administrator; take the appropriate action. Report the disciplinary action taken using forms prescribed in the Employee Conduct and Discipline administrative directive.
6. The supervisor should keep his/her supervisor informed at each step in the above process and, at an appropriate interval after taking action, attempt to determine whether any harassing behavior has ceased.

**C. Confidentiality.** All complaints must be handled as confidentially as possible so that the privacy of the involved individuals is respected. At the conclusion of the investigation, the complaining employee and the alleged harasser will be informed, to the extent appropriate, of the outcome of the investigation and any action planned.

**D. False Claims.** While valid claims are encouraged, a complaint made that an employee or agent knows is false will subject him/her to disciplinary action.

**V. DISCIPLINE.** Any employee found to have violated this policy is subject to appropriate disciplinary action, up to and including discharge.

## **VI. REFERENCE.**

- The U.S. Equal Opportunity Commission website has information about “harassment” and “sexual harassment.” Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA).
- U.S. Code of Federal Regulations 29 CFR 1604.11, “Sexual Harassment”
- Arkansas law section 5-71-208, “Harassment”