
**Workforce Investment Act
State Compliance Policies**

**Sexual Harassment
Grievance/Complaint Procedures**

SECTION: 4.5 **July 2007**

I. General:

All employees have the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive, or disruptive, including sexual harassment. No employee, either male or female, should be subject to unsolicited and unwelcome verbal or physical conduct of a sexual nature.

Sexual harassment does not refer to comments or compliments that constitute socially accepted behavior. Rather, sexual harassment refers to conduct that is unwelcome, that is personally offensive, that debilitates morale and that, therefore, interferes with work effectiveness.

All people related to the workplace (applicant, participant, subgrantee, funding applicant, subcontractor, employee, applicant for employment) are covered by this policy.

II. Definitions (State of Nevada, Department of Personnel – Manager’s Handbook for Personnel Administration):

- A. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes 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 that individual.
 - 3. Such conduct has the purpose or effect of unreasonably interfering with the individual’s work performance or creating an intimidating, hostile, or offensive work environment.

- B. Sexual harassment is not, by definition, limited to prohibited conduct by a male employee toward a female employee. Rather:
 - 1. A man, as well as a woman, may be the victim of sexual harassment, and a woman, as well as a man, may be the harasser.
 - 2. The harasser does not have to be the victim’s supervisor. The harasser may also be an agent of the supervisor, a supervisory employee who does not supervise the victim, a non-supervisory employee (coworker), or even a non-employee.
 - 3. The victim does not have to be the opposite sex from the harasser.
 - 4. The victim does not have to be the person at whom the unwelcome sexual

conduct is directed. The victim may also be someone who is affected by such conduct when it is directed toward another person. For example, the sexual harassment of one employee may create an intimidating, hostile, or offensive working environment for another co-worker or interfere with the co-worker's work performance. The belief that such interference has occurred must be objectively reasonable.

5. Sexual harassment does not depend on the victim's having suffered a concrete economic injury as a result of the harasser's conduct. For example, improper sexual advances which do not result in the loss of a promotion by the victim or the discharge of the victim may, nonetheless, constitute sexual harassment where they interfere with the victim's work or create a harmful or offensive work environment. The belief that such interference has occurred must be objectively reasonable.

III. Grantee Responsibilities:

Sexual harassment, whether committed by a supervisor, co-worker, or member of the public, is unlawful and violates state policy. State grantees are responsible for taking immediate and appropriate corrective action against complaints of sexual harassment regardless of the manner in which the employer becomes aware of the conduct. In addition, state grantees shall:

- A. Designate and make public the name of the Equal Opportunity (EO) officer and an alternate EO officer of the opposite sex [29 CFR Part 37 (37.23)].
- B. Inform all employees that they may file a complaint with the Nevada Equal Rights Commission (NRS 613.405).

If desired, the complainant may file a complaint directly with the Civil Rights Center (CRC) (within 180 days of an incident), the Nevada Equal Rights Commission (within 300 days of an incident), the Equal Employment Opportunity Commission (within 300 days of an incident), or outside legal counsel.

Civil Rights Center
Department of Labor
200 Constitution Ave., N.W., Room N4123
Washington, D.C. 20210
Voice: (202) 693-6502
TTY: (202) 693-6515

or

Nevada Equal Rights Commission
1325 Corporate Blvd., Suite 115
Reno, Nevada 89502
Voice: (775) 688-1288

TDD: (775) 688-1288

or

Nevada Equal Rights Commission
1515 E. Tropicana Ave, Suite 590
Las Vegas, Nevada 89119
Voice: (702) 486-7161
TDD: (702) 486-7164

or

Equal Employment Opportunity Commission
255 E. Temple Street, 4th Floor
Los Angeles, CA 90012
Voice: 1-800-669-4000
TTY: 1-800-669-6820

IV. Grantee Employees:

Grantee employees are responsible for:

- A. Ensuring that they do not sexually harass any other employee, applicant for employment, or other individual in the workplace including participants, applicants, etc.;
- B. Cooperating in the investigation of complaints of alleged sexual harassment; and
- C. Otherwise cooperating with the efforts of the state or grantee to prevent and eliminate sexual harassment and to maintain a working environment free from such unlawful discrimination.

V. Informal Complaint Procedure:

- A. Grantee employees or participants who feel they may have been a victim of sexual harassment should adhere to the following procedure:
 - 1. Immediately inform the person believed to be engaging in sexual harassment that the conduct was unwelcome, undesirable, or offensive.
 - 2. If, for whatever reason, the complainant is unwilling to follow the above (1.) initial attempt to settle the dispute or if the conduct believed to be sexual harassment persists after an objection, the complainant should, in a timely manner, notify his or her immediate supervisor or counselor of the sexual harassment.
 - 3. If the immediate supervisor or counselor is the cause of the sexual harassment, or the complainant prefers to report to someone of the same sex, the employee

should notify the EO officer or the alternate EO officer.

4. If the EO officer is the cause of the sexual harassment, the complainant should contact the alternate EO officer, the Nevada Equal Rights Commission, or the State EO officer for guidance.

- B. The informal reconciliation shall be attempted within ten (10) days of the complaint. If this is not possible, the complainant shall file a formal complaint and follow the procedures set forth in WIA State Compliance Policy, Section 4.4.

See WIA State Compliance Policy, Section 4.1 for further compliance requirements including principles governing complaints, filing procedures, grantee level procedure, and processing time frames.