



## Department of Transformation and Shared Services Office of Personnel Management

**Policy Title:** Sexual Harassment

**Policy Number:** 21

**Authority:** Title VII of the Civil Rights Act of 1964

**Effective Date:** September 29, 2021

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Sexual harassment is a form of discrimination and is unwelcome behavior that can be verbal or physical in nature. What constitutes sexual harassment is:

1. Submission to the conduct is either an explicit or implicit term or condition of employment, and/or
2. Submission to or rejection of the conduct is used as a basis for employment decisions affecting the person who did the submitting or rejecting, and/or
3. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Actions that may be defined as sexual harassment are not limited to the supervisor and employee situation, but may include actions of coworkers, actions of the same or opposite sex, and actions from a customer, client, or visitor who has contact with employees in the work environment.

Cabinet-level departments (departments) and state agencies (agency or agencies) must develop and implement a policy stating that the department or agency does not tolerate harassment of any kind, including sexual harassment. The policy should explain what sexual harassment is and that sexual harassment in any form is prohibited. The policy should include the department's or agency's investigation process for sexual harassment complaints and a point of contact. A copy of the department's or agency's policy should be filed with the Office of Personnel Management (OPM).

**If an employee files a complaint alleging discrimination, harassment (including sexual harassment), or retaliation, the department or agency has an obligation to investigate the complaint. This is true even if the employee files the complaint as a grievance and the complaint is determined to be ineligible for the grievance process.**