

South Florida VA Foundation for
Research & Education
Miami, Florida

SFVAFRE MEMORANDUM
No.....004

May 27, 2010

PREVENTION OF SEXUAL HARRASSMENT

I. PURPOSE: The South Florida VA Foundation for Research & Education "Foundation" (SFVAFRE) is vigorously committed to maintaining a working environment free of sexual harassment and other forms of harassment.

II, POLICY: It is the policy to maintain a work environment free from sexual harassment and intimidation. Sexual harassment and other forms of harassment are unacceptable in the workplace and will not be tolerated. This policy applies to all employees and covers employees outside of the workplace while conducting foundation business. The EEOC (Equal Employment Opportunity Commission) has determined that sexual harassment is an unlawful employment practice which violates Section 703 of Title VII of the Civil Rights Act of 1964.

III. DEFINITIONS: Sexual harassment is a form of employee misconduct, which seriously undermines the integrity of the employment relationship. Specifically, sexual harassment is unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual;
- c. 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.
- d. Jokes, remarks, teasing, rude, or obnoxious behavior, posting or sharing pictures of pornographic material, pranks, non-sexual conduct or questions that contain sexual overtures can also be a form of sexual harassment, and are not acceptable in a professional work environment and will not be condoned.

- e. Electronic mail (E-mail) and voice-mail networks shall not be used for inappropriate or offensive messages or any harassment of employees including racial or sexual harassment.

Harassment: verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age or disability and that:

- a. Has the purpose or effect of creating an intimidating hostile or offensive work environment
- b. has the purpose or effect of unreasonably interfering with an individual's work performance; or
- c. Otherwise adversely affects an individual's performance opportunities.

Harassing conduct includes, but is not limited to the following:

- a. Epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts, name calling, physical assaults or threats, ridicule or mockery, insults, or put downs that relate to race, color, religion, gender, national origin, age, or disability.
- b. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age, or disability and that is placed on walls, bulletin boards, or elsewhere on the employer's premises, or circulated in the workplace.
- c. The standard for determining whether verbal or physical conduct, relating to race, color, religion, gender, national origin, age or disability is sufficiently severe or pervasive to create a hostile or abusive work environment is whether a reasonable person in the same or similar circumstances would find the conduct intimidating, hostile, or abusive. The reasonable person's standard includes consideration of the perspective of persons of the alleged victim's race, color, religion, gender, national origin, age, or disability.

IV: PROCEDURE: Employees who believe that he/she have been victim of harassment or is a witness to this type of behavior by either a Foundation or VA employee, volunteer, contractor, etc., is encouraged to immediately identify the offensive behavior and request that it stop. If the employee is uncomfortable in addressing the matter directly with the harasser, or if they do so and the behavior does not stop, then the matter should be discussed immediately with the Executive Director for the Foundation

As soon as any allegation of harassment is brought to the attention of a management official, he/she will immediately notify the President of the Board of Directors and the Medical Center facility EEO program manager.

If, upon completion of the investigation, it determines that prohibited conduct did occur, it shall promptly implement corrective and disciplinary action, including the possibility of discharge of offending persons.

V. RESPONSIBILITIES:

a. The Executive Director is responsible or his/her designated representative is responsible for promptly conducting a thorough confidential investigation of the alleged misconduct.

- (1) Being knowledgeable of what constitutes sexual harassment/harassment, exercising reasonable care to prevent or correct promptly any sexually harassing behavior or improper behavior that could lead to such allegations;
- (2) Assuring that lines of communication are open to all employees on an equal basis and insuring that all employees are aware that sexually harassing or other harassing behavior will not be tolerated in the medical center;
- (3) Exercising care in situations where they may face personal exposure;
- (4) Meeting with their employees and addressing the subject of sexual harassment/harassment as a means of training employees at least annually;
- (5) Assuring all employees under their supervision complete the annual training program which includes 1 hour of EEO training;
- (6) Attending Supervisory training on EEO and diversity topics;

b. All Employees are expected to:

- (1) Know what constitutes sexual harassment/harassment by participating in mandatory EEO training annually;
- (2) Support the medical center policy by refraining from all forms of sexual harassment or other harassment by examining and modifying their own behavior at the workplace;
- (3) Monitor workplace behaviors of others to assure that sexual harassment/harassment is not evident;
- (4) Report any incident, received or witnessed, to their supervisor or EEO program official;
- (5) Dress appropriately for the work setting so as not to contribute to sexually Harassing behaviors. This includes avoiding sexually provocative clothing such as halter tops, tank tops, short or tight-fitting skirts, pants, see-through clothing, etc.

VI. REFERENCES:

Va Manual MP-7, Part 1, Chapter 2, Section F
Section 703 of Title VII of the Civil Rights Act of 1964
Executive Order 12103 (44 Federal Regulations 1053)
VHA Directive 2002-071, dated November 13, 2002
Anti-Harassment Policy, VHA Directive 2008-045

VII. RESCISSION:

None

VIII. RESPONSIBILITY:

Executive Director, SFVAFRE

IX. This Policy Memorandum will remain in effect until rescinded.



Luis Gonzalez, MHA
Acting Executive Director, SFVAFRE

The following concurred with this SFVAFRE Policy Memorandum:

President of the Board of Directors
Board of Directors