



UNITED STATES GOVERNMENT
OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

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OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

ANTI-HARASSMENT POLICY AND PROCEDURES

The Office of Navajo and Hopi Indian Relocation (ONHIR) is committed to creating and maintaining a workplace environment that encourages and empowers employees to perform at their best and maintaining a work environment free of unlawful discrimination, including sexual and other harassment, intimidation, and exploitation.

In accordance with Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, it is ONHIR policy to prohibit harassment, including sexual harassment, in the workplace or the creation of a hostile work environment of any type for its employees.

Harassment

Harassment is a form of employment discrimination which applies to any employee conducting agency business, regardless of where the business is being conducted, regardless of whether the person engaging in the prohibited conduct is a manager, coworker, a vendor, or a guest in the ONHIR assigned or controlled space.

Harassment is defined as unwelcome conduct, verbal or physical, based on an individuals' race, color, religion, sex (including pregnancy), national origin, religion, age (40 or older), disability or genetic information, sexual orientation, gender identity, retaliation or other category protected by law or policy and when:

- The behavior can reasonably be considered to adversely affect the work environment
- An employment decision affecting the employee is based upon the employee's acceptance or rejection of such conduct.

Examples of harassment or harassing behavior consistent with ONHIR's policy include, but are not limited to, the following:

- Threatening or intimidation that rejection of sexual overtures will affect appointment, promotions, transfers or evaluations
- Creating belittling caricatures or objects depicting persons of a particular race, national origin, religion or other protected category.
- Telling racial or ethnic jokes or stories.
- Teasing, mimicking or repeatedly commenting on an individual's disability, accent or other protected category.

- Making offensive comments, jokes or suggestions about an employee's gender.
- Making obscene or lewd comments, slurs, jokes, epithets, suggestions or gestures.
- Commenting on an employee's body or sexual characteristics.
- Displaying rude or sexually suggestive objects, pictures, images or cartoons.
- Continuing prohibited behavior after a co-worker has objected.
- Laughing at, ignoring, or retaliating against an employee who complains.

Sexual Harassment

Sexual harassment is defined as any unwelcome sexual advance, comments related to sex, requests for sex or sexual activities, or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either directly or indirectly a term or condition of an individual's employment or a basis for employment decisions affecting an individual, including advancement or continuation of employment.
- Such conduct is severe, persistent, pervasive, and not germane to the operations of the workplace or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, offensive, or abusive work environment.
- Harassment, including sexual harassment, is strictly prohibited, regardless of whether the person engaging in the prohibited conduct is a manager, a coworker, a vendor, or a guest in ONHIR assigned or controlled space.

Responsibilities

Human Resources (HR) Office will:

Ensure this policy is available and accessible to all ONHIR employees within the agency.

- Ensure that complaints are handled promptly and effectively.
- Advise supervisors and managers on appropriate actions and responsibilities regarding harassment misconduct in the workplace.
- Provide technical assistance and support to ONHIR staff to ensure compliance with this policy.
- Provide anti-harassment training to ONHIR staff.

Supervisors/Managers will:

- Ensure that ONHIR provides a workplace free of harassment and inappropriate behavior.
- Take prompt and appropriate actions to prevent harassment in the workplace and assist in inquiries of harassment.
- Take immediate steps to stop harassment once it is reported.
- Take steps to prevent retaliation against employees who complaint of harassment or who assist in conducting management inquiries.
- Protect the confidentiality of employees who allege or report harassment.
- Ensure that further misconduct does not occur.

- Ensure that complaints are handled promptly and effectively.
- Consult with the Human Resources office and Equal Employment Opportunity Office when warranted regarding the agency's legal responsibility and liability.
- Engage in anti-harassment training mandated by the agency.

Employees will:

- Refrain from engaging in harassing conduct at all times.
- Report an alleged harassment promptly to a supervisor, other agency management official or to the Human Resource Office.
- Contact the second line supervisor, the AHPC or the Human Resource Office in the event the employee's first-line supervisor is the alleged harasser.
- Cooperate in any fact finding regarding all allegation of harassment.
- Become familiar with the provisions of this policy and complying with all requirements of this policy.

Reporting Harassment

Harassing conduct, including sexual harassment, is unwelcome and therefore, individuals subjected to the behavior whether the behavior is viewed as offensive, demeaning, or hostile constitutes harassing conduct.

An employee who believes they have been subjected to harassing conduct can report the matter to their immediate supervisor, the agency Anti-Harassment Coordinator (AHC), or the Human Resources Director. ONHIR will not tolerate retaliation against a person who raises harassment concerns. The confidentiality of a person(s) who reports harassment or who participates in investigations of harassment, will be protected to the greatest extent possible. Contractors and/or subcontractors are encouraged to coordinate with their Program Manager to report any harassing conduct in the workplace.

Anti-Harassment Complaint Procedures

Anti-Harassment procedures are a process for agency management to address employee allegations of harassment. ONHIR will ensure that it will take immediate and appropriate corrective action when harassment is found to have occurred. The goal of this policy is to address harassing conduct at the earliest stage before it becomes "severe or pervasive" harassment within the meaning of anti-discrimination laws.

A prompt, thorough and impartial investigation of all complaints will be conducted. Supervisors or managers who observe or are notified of harassing conduct are required to take action immediately and consult with the Anti-Harassment Coordinator (AHC), as well as subject matter experts in Human Resources and Equal Employment Opportunity communities. After consultation with the AHC and other officials, supervisors and managers and the AHC will conduct an appropriate inquiry or fact-finding. Depending on the circumstances, the supervisor may also be advised to provide appropriate interim relief during the process.

The supervisor, in consultation with the AHC and subject matter experts, will make the ultimate determination as to whether the conduct violated the policy. If so, the supervisor will determine what type of corrective action is warranted. The agency will begin harassment investigations within 10 calendar days of receipt of the report of harassment as required by MD-715, Part G. Any employee, supervisor or manager who violates the ONHIR's Anti-Harassment Policy or procedures may be subject to appropriate disciplinary action, up to and including removal.

The Anti-Harassment process is entirely separate from the EEO complaint process. An employee who reports allegation of harassment in accordance with this policy and procedures has not filed an EEO complaint. An employee who wishes to file an EEO discrimination complaint should contact the agency contracted EEO office within 45 days.

Training

The Human Resources Office in conjunction with the Anti-Harassment Coordinator will assure that all supervisors and managers receive annual training in the Anti-Harassment Policy and procedures of this agency.

Protection from Retaliation

ONHIR prohibits retaliation of any kind against anyone who files a complaint of discrimination based on factors which include race, color, religion, sex, national origin, age, disability, sexual orientation, gender identity, pregnancy, genetic information, participation in the uniformed services, or any other factor for which protection is afforded under federal law or ONHIR policy. Individuals who assist or participate in the filing, investigation, or resolution of a complaint may do so without fear of retaliation.

Assurance will be given to employees who make claims of harassment including sexual harassment or provide information related to such claims, that they will be protected against retaliation. ONHIR will not tolerate any act of reprisal for reporting harassing conduct. Violations of this policy may result in disciplinary action.

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