


Florida Fish and Wildlife Conservation Commission Internal Management Policies and Procedures (IMPP)		
	TITLE: SEXUAL HARASSMENT	IMPP 6.31
		EFFECTIVE DATE 08/16/2023
	APPLICABILITY ALL EMPLOYEES	RESCINDS/AMENDS 07/10/2023
<b>REFERENCES:</b> AUTHORITY: Title VII of the Civil Rights Act of 1964; Section 110.1221, Florida Statutes; 60L-40.001, F.A.C.; Executive Director		

## POLICY

Conduct constituting sexual harassment is prohibited and will subject an offending employee to disciplinary action. A victim of sexual harassment can be of any gender. The Commission is committed to providing a workplace free of harassment of any type including "sexual harassment." Employees are encouraged, in accordance with the following procedures, to report instances of sexual harassment in order that appropriate corrective action be instituted by the Commission. Every supervisor is required to immediately notify the Office of the Inspector General and the Director of the Office of Human Resources if they observe or are informed of any behavior or any action that may be in violation of this policy.

The harasser may be a supervisor, co-worker or other Commission employee, a volunteer, or a non-employee who has a business relationship with the Commission or whose work is co-located with the Commission's employee. Any conduct constituting sexual harassment is a violation of this policy and of State and Federal law.

- Contents:
- 6.31.1 Definitions
  - 6.31.2 Responsibility
  - 6.31.3 Sexual Harassment Complaint Processing
  - 6.31.4 Internal Investigations
  - 6.31.5 Disciplinary Action
  - 6.31.6 Retaliation Prohibited

### 6.31.1 DEFINITIONS

#### Sexual Harassment –

Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature from any person directed towards or in the presence of an employee or applicant constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment; or

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; or
4. Such conduct has the purpose or effect of unreasonably interfering with an individual's participation in a Commission program or activity by creating an intimidating, hostile or offensive environment.

An exhaustive list of behaviors and statements that may constitute sexual harassment is not feasible however the following are examples that, depending on the circumstances, may in and of themselves meet the definition of sexual harassment or contribute to a hostile work environment:

- sexual pranks;
- repeated sexual teasing, jokes, or innuendo in person or via e-mail, text or social media;
- verbal abuse of a sexual nature in person or via e-mail, text or social media;
- touching or grabbing of a sexual nature;
- repeatedly standing too close to or brushing up against a person;
- repeatedly asking a person to socialize during off-duty hours when the person has said no or has indicated he or she is not interested;
- giving gifts or leaving objects that are sexually suggestive;
- repeatedly making sexually suggestive gestures;
- making or posting sexually demeaning or offensive pictures, cartoons, or other material in the workplace;
- off-duty, unwelcome conduct of a sexual nature that affects the work environment.

#### **6.31.2 RESPONSIBILITY**

- A. Every FWC employee is responsible for ensuring the Commission maintains a workplace free of sexual harassment.
- B. The Office of Human Resources is responsible for providing information and training to all employees on Commission rules and policies related to sexual harassment.
- C. Supervisors are responsible for ensuring their work sites are free of sexual harassment and that complaints of sexual harassment are promptly reported to the Office of Human Resources and Office of Inspector General. Supervisors are also required to immediately notify the Office of Human Resources and Office of Inspector General if they observe or are informed of any behavior or any incident that may be in violation of this policy.

#### **6.31.3 SEXUAL HARASSMENT COMPLAINT PROCESSING**

- A. Employees who are subject to sexual harassment or who witness improper or offensive conduct of a sexual nature may, if they wish, advise the offending person to cease such conduct.



- B. Employees who are subject to sexual harassment or who witness improper or offensive conduct of a sexual nature are encouraged to report such conduct to one of the following: their immediate supervisor, any agency supervisor, the Director of Human Resources, or the agency's Office of Inspector General. Employees may file an internal complaint by completing the online [Discrimination/Misconduct Complaint Form](#) to electronically submit the complaint to the Office of Inspector General or downloading a .PDF version of the [Discrimination Complaint Form](#) and submit it to the Office of Human Resources.
1. Employees or other persons completing the form should note that the complaint is being filed based on sexual harassment, and identify in writing the specific events, dates, times, and conduct which precipitated or led to their complaint.
  2. Upon receipt of a complaint of sexual harassment, the Office of Inspector General will review the complaint and handle it in accordance with Office of Inspector General investigative procedures.
- C. Supervisors informed of such reported conduct shall notify the Director of the Office of Human Resources and the Office of Inspector General immediately. The Office of Inspector General shall be charged with investigating such complaints.
- D. Employees who are subjected to sexual harassment, and/or improper or offensive behavior from members of the public while performing their job duties are encouraged to report such conduct to one of the following: their immediate supervisor, any agency supervisor, the Director of Human Resources, or the Office of Inspector General.
- E. Employees who do not wish to notify any one of the above offices may elect to file a complaint with the Florida Commission on Human Relations (FCHR) or the United States Equal Employment Opportunity Commission (EEOC).

#### **6.31.4 INTERNAL INVESTIGATIONS**

- A. All internal investigations related to allegations of sexual harassment shall be conducted promptly, thoroughly, and in a manner where the rights, privileges, and privacy of both the complainant and the accused are always maintained, subject to any applicable state or federal law.
- B. If the subject of a sexual harassment complaint is an FWC employee or contractor, and the Office of Inspector General has initiated an investigation, the Office of Inspector General will send the subject employee a letter directing them to cease and desist the conduct alleged. Additionally, division/office management, in consultation with the Office of Inspector General and Office of Human Resources, will take steps to ensure the involved employees cease interaction except for incidental contact which cannot be avoided such as occupying common areas.
- C. When deemed necessary or desirable by the Director of the Office of Human Resources and the Director of the Office of the Inspector General and in consultation with the Legal Office, the employee filing the complaint or the employee who is the subject of the complaint may be temporarily assigned other duties, moved to a different location or otherwise removed from situations which require the complainant to have contact with the employee against whom the complaint has been filed. In certain circumstances, the subject of the complaint may be placed on administrative leave while the investigation is ongoing, as authorized under Florida Personnel Rule 60L-34.0071 2(f), F.A.C.

### 6.31.5 DISCIPLINARY ACTION

- A. Any employee of the Commission who commits sexual harassment, as defined by this policy, shall be subject to disciplinary action in accordance with the Commission's disciplinary policy.
- B. Any supervisory or managerial employee, who has knowledge or has been advised of conduct which could be considered sexual harassment shall immediately report the matter to the Office of Inspector General and the Director of Human Resources. Failure to report shall subject the supervisory or managerial employee to disciplinary action in accordance with the Commission's disciplinary policy.
- C. Any employee who knowingly files a false complaint of sexual harassment against another employee shall be subject to disciplinary action in accordance with the Commission's disciplinary policy.

### 6.31.6 RETALIATION PROHIBITED

It is the policy of the Commission that retaliation against an individual because such person has, in good faith, opposed any incident of sexual harassment, made a charge of sexual harassment, or testified, assisted, or participated in any manner in an investigation, proceeding, or hearing involving an alleged offense of sexual harassment shall be prohibited. Retaliatory actions shall subject the perpetrator to disciplinary action in accordance with the Commission's disciplinary policy.

### FORMS

FORM NUMBER	FORM TITLE
None	<a href="#">Employee Misconduct</a>

Approved:   
Roger A. Young, Executive Director or Designee

Date: 8/16/23

History: Est.: 11/15/2002; Rev: 12/27/2016, 06/12/2023, 07/10/2023, 08/16/2023