

# Anti-Harassment Policy

March 2022



**Policy and Procedures for Preventing  
and Eliminating Harassing Conduct  
in the Workplace**

**STOP**



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## I. Purpose

This policy is intended to ensure that the RSDO take appropriate action to accomplish the following:

- Prevent sexual harassment and other forms of harassing conduct based on age, color, disability, gender expression, gender identity, genetic information, national origin, pregnancy, race, religion, sex, sexual orientation, and retaliation for engaging in organizational activity in the workplace;
- Ensure that employees, supervisors, and managers are aware of the rights and responsibilities in maintaining a work environment that is free from harassment and there are options available for reporting claims of harassing conduct;
- Provide a prompt, fair, thorough and impartial process for reviewing allegations of harassing conduct as defined in this policy;
- Correct harassing conduct, as defined in this policy;
- Administer corrective action, which may include disciplinary action, to any employee who violates this policy.

## II. Relationship to Other Processes

The procedures in this policy are separate and apart from any complaint process provided by statute, including the complaint mechanism process administered by the RSDO organization, as well as any complaint process provided by the organization policies involving harassment and retaliation. Furthermore, this policy does not alter the right of an employee to report harassing conduct to the sectorial departments or to file a complaint with RSDO.

It should be noted, however, that reporting harassment under this policy does not satisfy or delay the applicable time limits for initiating an official complaint, a union grievance or any other administrative or statutory complaint process.

## III. Definitions

For purposes of this policy, harassing conduct is defined as any unwelcome verbal, visual, physical or other conduct (whether or not of a sexual nature) based on age, color, disability, gender expression, gender identity, genetic information, national origin, pregnancy, race, religion, sex, sexual orientation, or retaliation for participation in organizational activities. To constitute harassing conduct under this policy, one of these two conditions must be present:

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

Examples of unwelcome prohibited conduct under part 1 of the definition include, but are not limited to: offensive remarks or comments; ridicule; offensive and derogatory words, phrases, epithets, or jokes; suggestive comments and unwelcome requests for sexual favors; exposure to offensive photographs, explicit drawings, cartoons, e-mails, or other electronic transmissions; unwelcome touching; pinching; grabbing; gesturing; or stalking.

Examples of unwelcome prohibited conduct under part 2 of the definition include, but are not limited to: promoting or not promoting an employee; taking or not taking a personnel action affecting the employee's conditions of employment based on the employee accepting a sexual favor.

Generally, this policy does not consider all rude, uncivil, or disrespectful behavior in the workplace to be harassing conduct, nor does it typically consider a supervisor performing their management duties to be engaging in harassing conduct (e.g., performance managing employees, issuing disciplinary actions, tracking leave and attendance, or enforcing compliance with rules, regulations, organization policy, procedures, and practices).

## **IV. Policy**

It is the policy of the RSDO that harassing conduct by anyone in the workplace is unacceptable and will not be condoned. RSDO will maintain a work environment free from the harassing conduct described above. The RSDO has determined that the most effective way to maintain such a work environment is to inquire into allegations of harassing conduct and, if substantiated<sup>1</sup>, treat the offense as misconduct, and determine appropriate corrective action to address the behavior, even if the behavior is not sufficiently severe or pervasive to constitute discriminatory harassment actionable under the civil rights laws.

The current GRM complaint process provides employees specific remedies for unlawful harassment that has already occurred. This RSDO policy, however, is focused on stopping harassing conduct at its earliest stage. A hostile environment that violates government law usually requires a showing of a pattern of offensive conduct. Under this policy, however, the RSDO will not wait, nor should the employee wait, for such a pattern to emerge. The RSDO will, where possible, act to stop and correct harassing conduct before it becomes unlawful; that is, before it becomes so pervasive or severe as to create an unlawful hostile work environment. Accordingly, the RSDO encourages all employees to report any incident of harassing conduct forbidden by this policy immediately so that complaints can be resolved quickly and fairly. If the RSDO is not made aware of harassing conduct, it cannot stop it.

In addition, RSDO will not tolerate retaliation against any employee who makes a good faith report of harassing conduct under this policy or any other policy or procedure, or for assisting in any inquiry about such a report. Allegations of retaliation will be handled in accordance with the procedures outlined in this policy.

Allegations of harassing conduct will be addressed as promptly as possible. Employees found to have violated this policy will be held accountable for their actions and may be appropriately disciplined in accordance with the applicable RSDO policies.

## V. Roles and Responsibilities

### A. Organization Employees

Each employee is responsible for creating and maintaining a work environment that is free from harassing conduct and is expected to do the following:

1. Be familiar and comply with the requirements of the Anti-Harassment policy and procedures;
2. Refrain from engaging in harassing conduct;
3. Promptly report any alleged incident of harassing conduct in accordance with the procedures in Section VII.;
4. Timely and fully cooperate with any inquiry conducted under this policy, this includes maintaining confidentiality.

### B. Managers and Supervisors

In addition to the requirements mentioned above, each manager in the organization is expected to do the following:

1. Immediately report allegations of harassment to the organization.
2. Handling allegations of harassing conduct promptly and appropriately in accordance with the procedures Section VIII.;
3. Implementing interim measures to protect alleged victims of harassing conduct pending the outcome of the inquiry and to ensure that further alleged misconduct does not occur;
4. Administering appropriate corrective action, including disciplinary action, to employees under their supervision who engage in harassing conduct or who do not carry out their responsibilities under this policy;
5. Taking action to prevent retaliation against individuals who make good faith reports of an allegation of harassing conduct or participate in any inquiry into an allegation of harassing conduct; and
6. Consulting with the organization complaint redress committee with respect to all appropriate actions under the mentioned issues above.

### C. The Committee appointed by RSDO leadership is responsible for the following actions:

1. Developing this Anti-Harassment policy and procedures, and any related forms, guidance, or informational materials deemed appropriate;
2. Providing advice, technical assistance, and support to managers, supervisors, employees, and others, as needed, regarding this policy;
3. Ensuring that employees are informed of this policy and the procedures to follow in connection with reporting harassing conduct by disseminating this policy statement periodically to all employees and posting it on the RSDO website;
4. Ensuring that managers, supervisors, and employees are provided training on this policy;
5. Ensuring that the identity of the committee is prominently displayed throughout the organization and on the RSD management board and the identities of the Regional Officers are prominently displayed in the regions.

#### D. Leadership responsibility for overseeing the performance of the committee

1. Assisting the committee in ensuring that employees are informed of this policy and the procedures in connection with reporting harassing conduct;
2. Receiving allegations of harassing conduct reported in accordance with Section VII., below;
3. Determining whether an allegation falls within the jurisdiction of this policy or otherwise interpreting and implementing this policy;
4. Conducting or overseeing fair and impartial inquiries into any allegation of harassing conduct, where appropriate.
5. Advising managers and supervisors on implementing interim measures to protect against further alleged incidents pending the outcome of the inquiry and to ensure that further harassing conduct does not occur; Interim measures are meant to protect the alleged victim, the alleged harasser, and management from further allegations or incidents.
6. As appropriate, imposing interim corrective measures to immediately stop potential harassing conduct. Such corrective action will be undertaken within 60-calendar days of receiving notice of harassment allegations.
7. Advising managers and supervisors on administering appropriate corrective action, including disciplinary action, to employees who engage in harassing conduct or who do not carry out their responsibilities under this Policy;
8. Advising managers and supervisors on taking action to prevent retaliation against individuals who report alleged harassing conduct or participate in any inquiry into an allegation of harassing conduct;
9. Deciding whether to arrange for mediation services to resolve a dispute arising under this policy.
10. Providing technical assistance and support, to ensure compliance with this policy;
11. Maintaining records of all allegations of harassing conduct brought under this policy;
12. Informing all persons reporting allegations that filing a report of harassing conduct under this policy does not satisfy the requirements

## E. Director of Razi Social Development Organization (RSDO)

The Director of RSDO is responsible for the following actions:

1. Processing any official complaint of discrimination filed;
2. Providing technical assistance and support, to assure compliance with this policy;
3. Assisting the committee in ensuring that employees are informed of this policy and the procedures in connection with reporting harassing conduct;
4. Assisting the committee in providing training under this policy;

## VI. Reporting Harassing Conduct

The procedures for reporting harassing conduct are as follows:

- A. Any RSDO employee who believes that they have been the subject of an incident of harassing conduct or who has witnessed harassing conduct and/or retaliation in violation of this policy should immediately report the incident to anyone in his/her management chain, to the committee, or other RSDO official such as the directorate board members or HR department. All RSDO managers and supervisors are required to immediately report allegations of harassment to the committee.
- B. The employee reporting such conduct will be asked to provide details of the incident(s), including but not limited to what occurred, when the incident(s) occurred; name of the alleged harasser and names of any witnesses. Once a report of harassing conduct is made under this policy, the organization has a duty to conduct an inquiry where appropriate, stop harassing conduct if found, and to take appropriate action, including disciplinary action;
- C. Nothing in this policy is intended to discourage an employee from telling the alleged harasser to stop the harassing conduct;
- D. Nothing in this policy is intended to require that an employee communicate with the alleged harasser;
- E. Nothing in this policy affects the right of an individual to contact the government regarding alleged harassing behavior; nor does it affect the right of an individual to participate in the organization complaint process, or for bargaining unit employees, initiate a grievance under the RSDO complaint procedure. Filing a report of harassing conduct under this policy **does not** satisfy the requirements associated with any complaint, appeal or other statutory or regulatory process that may apply, **nor does it delay the time limits** for initiating those procedures. Section XI. provides further information on statutory and collective bargaining claims;
- F. All information will be maintained in compliance with governmental policies, as stated in Section X. of this Policy.

## VII. Conducting an Inquiry

- A.** A supervisor or manager who receives an allegation or witnesses harassing conduct shall immediately:
1. Inform the complaint redress committee of the allegation;
  2. In consultation with the committee, take appropriate action to stop any potentially harassing conduct and prevent further alleged incidents while the allegations are being investigated, (i.e., providing appropriate interim measures); and
  3. Document the allegation received or witnessed and their efforts to address it.
- B.** When the committee receives an allegation of harassing conduct, either directly from the complainant; through a supervisor, manager, or from other sources, it will take the following actions:
1. Begin the initial inquiry within 10-calendar days of receiving an allegation under this policy, by sending the alleged harasser a “Notice of Rights<sup>2</sup>” form and scheduling the initial intake interview.
  2. After initial intake, determine if the allegation falls within the scope of the organization’s Policy. If the allegations fall within the organization’s policy, refer the allegation to the sectorial department for possible investigation.
  3. If sectorial departments decline investigation, the committee will ensure that a vigorous, impartial and appropriate inquiry is conducted and designate the person(s) who will conduct such an inquiry. (This inquiry may be conducted by the committee, the supervisor, an outside contractor, or any other impartial individual delegated this responsibility by the committee).
  4. Contact appropriate organization officials in the alleged harasser’s chain of command who are not involved in the allegations of harassment and recommend appropriate action to stop any harassing conduct and prevent further harassing conduct while the allegations are being addressed, (i.e., providing appropriate interim measures).
- C.** The inquiry will consist of appropriate fact-finding in order to obtain the information relevant to the allegation. As part of the inquiry, the complaining employee may be interviewed regarding the basis of the allegations. Additionally, the alleged harasser as well as other witnesses who may have knowledge of the circumstances of the allegations may also be interviewed. The determination as to the appropriate steps to be followed during the inquiry will be determined by the person conducting the inquiry with oversight by the committee. All individuals contacted in the course of an inquiry will be advised that any retaliation or reprisal against an individual who is an alleged target of harassing conduct, who has made a complaint under this policy, or who has provided information in connection with a complaint, constitutes a separate violation of this policy.
- D.** An inquiry is a neutral, fact-finding process needed to determine whether harassing conduct has occurred. An inquiry shall not, in and of itself, be construed as evidence that the allegations of harassing conduct are true.

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<sup>2</sup> Notice of Rights form is a document that explains the rights that the employee may have in connection with this inquiry.

The allegations of misconduct by management or employees, the sectorial departments will be notified of these additional facts and provided an opportunity to assume jurisdiction over the matter. However, this is not intended to preclude RSDO management from taking appropriate immediate action to carry out its responsibilities to maintain a safe and orderly workplace or to otherwise protect organization interests associated with this policy.

**E.** Upon completion of the inquiry, the individual conducting the inquiry will prepare a written report summarizing the inquiry. The report will be prepared promptly after completion of the inquiry. The report, along with the documentation compiled during the inquiry, will be provided to the committee (if they did not conduct the inquiry). The report will also generally be provided to the first level supervisor of the alleged harasser, unless such supervisor is involved in the allegation. In this situation, the report will be provided to the lowest level supervisor/manager in the alleged harasser's chain of command who is not a subject of the inquiry.

**F.** All information will be maintained on a confidential basis to the greatest extent possible.

## **VIII. Action to Be Taken Upon Completion of the Inquiry**

- A. Upon completion of the inquiry, both the alleged and the alleged harasser will receive Inquiry Outcome Notice documents informing them that either a violation of the organization's Policy was or was not found to have occurred.
- B. The appropriate manager or supervisor will receive the report of inquiry.
- C. Upon receipt of the report of inquiry, the appropriate supervisor/manager will promptly evaluate the information and determine the appropriate action, if any. This responsibility normally will rest with the first line supervisor of the employee alleged to have engaged in the harassing conduct, unless such supervisor is involved in the allegation. The supervisor/manager should consult with the servicing Labor and Employee Relations Specialist, the complaint redress committee, and the directorate board as needed to determine the appropriate action.
- D. Where the inquiry establishes that an employee did engage in harassing conduct under this policy, the RSDO will take immediate and appropriate corrective action which will be initiated within 60-calendar days. Further, the harassing employee may be subject to appropriate disciplinary action in accordance with all applicable authorities of the government.
- E. Where the inquiry establishes that a supervisor or manager did not properly carry out the responsibilities under this policy, they will be subject to appropriate corrective action, which may include disciplinary or otherwise, in accordance with all applicable authorities.
- F. The committee will notify the sectorial departments and notify RSDO directorate board of the outcome of the organization inquiry, including whether the allegation was substantiated, what corrective action was taken; and any other action taken to address the matter.

## IX. Confidentiality

The maintenance of records and disclosures of information from records shall be in complete compliance with the government rules and regulations. All information obtained under this policy, including but not limited to, reports of harassing conduct, will be maintained confidentially to the greatest extent possible. Such information, however, may be required to be disclosed in connection with proceedings resulting from the harassing conduct, (e.g., disciplinary action). Further, information may need to be disclosed to those officials and employees within the organization with a need to know or as necessary to carry out the purpose and intent of this policy.

## X. Statutory and Collective Bargaining Claims

This policy is in addition to statutory and collective bargaining prohibitions [RSDO - Statute] against harassment and the procedures and remedies they provide for addressing unlawful harassment. Filing a report of harassing conduct under this policy **does not** satisfy the requirements to initiate any complaint, appeal or other statutory or regulatory process that may apply, **nor does it delay the time limits** for initiating those procedures. An employee who chooses to pursue statutory or collective bargaining remedies for unlawful harassment must:

- A. Initiate the RSDO complaint process pursuant to by contacting a committee member counselor in the RSDO within 45-calendar days from the date of the alleged harassment (or personnel action if one is involved); or
- B. File a grievance under the organization grievance procedure;
- C. If an employee pursues a claim of harassment through the formal complaint process, a formal grievance, or an administrative grievance, the organization official who receives the information about such a claim will promptly notify the committee, unless inconsistent with applicable requirements. Because the organization has an obligation to comply with the terms of this policy regardless of whether a statutory procedure has been invoked, the committee will promptly initiate an inquiry into the matter, if appropriate, and if a management official has not already done so. Similarly, the committee will provide the organization handling the statutory the record of actions taken under this policy.

The end