

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

Mark Martin

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

www.sos.arkansas.gov



For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency _____

Department _____

Contact _____ E-mail _____ Phone _____

Statutory Authority for Promulgating Rules _____

Rule Title: _____

Intended Effective Date

(Check One)

Date

☐ Emergency (ACA 25-15-204) Legal Notice Published _____

☐ 10 Days After Filing (ACA 25-15-204) Final Date for Public Comment _____

☐ Other _____ Reviewed by Legislative Council _____
(Must be more than 10 days after filing date.)

Adopted by State Agency _____

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)


Signature

Phone Number

E-mail Address

Title

Date

 <p style="text-align: center;">ADMINISTRATIVE RULES</p> <p style="text-align: center;">STATE OF ARKANSAS</p> <p style="text-align: center;">BOARD OF CORRECTIONS</p>	Section Number: AR 226 – DOC AR 3.15 – DCP	Page Number: 1 of 2
	Board Approval Date: <p style="text-align: center;">11/16/00</p>	
	Supersedes: AR 226 – DOC AR 3.15 – DCP	Dated: <p style="text-align: center;">11/16/94</p>
	Reference:	Effective Date: <p style="text-align: center;">March 25, 2001</p>
SUBJECT: Sexual Harassment		

I. AUTHORITY:

42 U.S.C. Section 2000e et seq.; 29 CFR 1604.11; and Ark. Code Ann. Section §16-123-105(1).

II. POLICY:

It is the policy of this Agency to provide an environment where employees can work together comfortably and productively, free from sexual harassment. Sexual harassment is prohibited by state and federal law and will not be tolerated.

This policy applies to all phases of employment, including testing, training, hiring, promotion, demotion, transfer, and termination.

III. APPLICABILITY:

Employees of the Departments of Community Punishment and Correction and agents thereof.

IV. DEFINITION:

Sexual Harassment – Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

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

V. EXAMPLES OF PROHIBITED BEHAVIOR:

1. Unsolicited and unwelcome contact that has sexual overtones, including:

- a. written contact, such as sexually suggestive or obscene letters, notes, or invitations;
 - b. verbal contact, such as sexually suggestive or obscene comments, threats, slurs, epithets, jokes about gender-specific traits, or sexual propositions;
 - c. physical contact, such as intentional touching, pinching, brushing against another's body, impeding or blocking movement, assault, or coercing sexual intercourse; and
 - d. visual contact, such as leering or staring at another's body, gesturing, or displaying sexually suggestive objects, pictures, cartoons, posters, or magazines.
2. Continuing to express sexual or social interest after being informed that the interest is unwelcome.
3. Using sexual behavior to control, influence, or affect the career, salary, or work environment of another employee.
4. Suggesting, threatening, or implying that failure to accept a request for a date or sexual intimacy will affect an employee's job opportunities or performance reports.
5. Offering benefits, such as promotion, favorable performance evaluations, favorable assigned duties, shifts, or recommendations in exchange for sexual favors.

VI. COMPLAINT PROCEDURE:

The Departments shall establish procedures by which complaints may be resolved.

VII. RETALIATION:

Any employee bringing a sexual harassment complaint will not be adversely affected in terms and conditions of employment, or discriminated against or discharged because of the lodging of a complaint.

VIII. DISCIPLINE:

Any employee found to have violated this policy shall be subject to appropriate disciplinary action, up to and including discharge.