

# ARKANSAS REGISTER

## FILED Transmittal Sheet

NOV 17 1994



W. J. "BILL" McCUEN

SECRETARY OF STATE W. J. "Bill" McCuen

Secretary of State

State Capitol Rm. 010

Little Rock, Arkansas 72201-1094

For Office

Use Only:

Effective Date

12/8/94

Code Number

004.00.94--031

Name of Agency Arkansas Department of Correction

Department of Correction

Contact Person Larry Norris, Director

Statutory Authority for Promulgating Rules Act 50 of 1968, First Extraordinary Session,  
as amended, Act 222 of 1983

Title of Rule: AR 226 - Sexual Harassment;

Intended Effective Date

Date

☐ Emergency

Legal Notice Published

2/3-9/94

☐ 20 Days After Filing

Final Date for Public Comment

2/16/94

☒ Other

Filed With Legislative Council

2/3/94

Please use 11/17/94 as the effective date

Reviewed by Legislative Council

3/3/94

Adopted by State Agency

11/16/94

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with Act 484 of 1967 As Amended.

[Signature]  
/Signature

Director

Title

11/16/94

Date

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**ADMINISTRATIVE REGULATIONS**  
**STATE OF ARKANSAS**  
**BOARD OF CORRECTION AND**  
**COMMUNITY PUNISHMENT**

Section Number: <b>AR 3.15 - DCP</b> <b>AR 226 - DOC</b>		Page Number: <b>1 of 3</b>
Board Approval Date: <b>11/16/94</b>		
Supersedes: <b>AR 3.15 - DCP</b> <b>AR 226 - DOC</b>		Dated: <b>1/19/94 Emerg.</b> <b>9/30/88</b>
Reference:		Effective Date: <b>12/8/94</b>

**FILED**

**SUBJECT: SEXUAL HARASSMENT**

**NOV 17 1994**

**W. J. "BILL" McGUIEN**

**SECRETARY OF STATE**

**BY**

**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:** All employees of the Department 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



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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:**

All complaints of sexual harassment or retaliation for reporting such behavior shall be made pursuant to the established Agency grievance procedure. The grievance procedure will be modified so that employees will not be required to confront the person accused of sexual harassment alone. All complaints shall be handled as confidentially as possible.



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**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:**

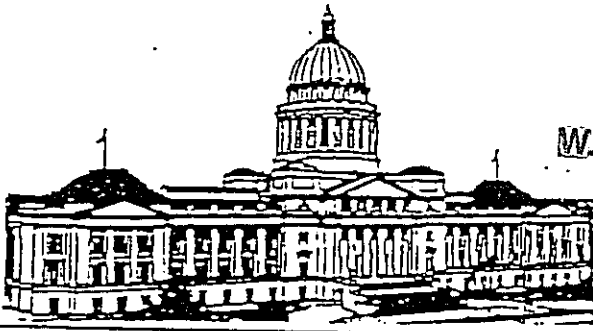
Any employee found to have violated this policy shall be subject to appropriate disciplinary action, up to and including discharge.

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