



**MARKUP**

	<b>ADMINISTRATIVE REGULATION</b>  <b>STATE OF ARKANSAS</b>  <b>BOARD OF CORRECTIONS</b>	<b>Section Number:</b> <del>DCC AR 3.15</del> <b>ADC AR 226</b>	<b>Page Number:</b> 1
		<b>Board Approval Date:</b> <b>11/16/00</b>	
		<b>Supersedes:</b> <del>DCP AR 3.15</del> <del>DOC ADC AR</del> <b>226</b>	<b>Dated:</b> <del>12/9/94</del> <del>12/8/94</del> <b>8/31/01</b>
		<b>Reference:</b>	<b>Effective Date:</b> <b>8/31/01</b>
<b>SUBJECT: SEXUAL HARASSMENT</b>			

- I. **AUTHORITY.** ~~42 U.S.C. Section 2000e et. seq.; 29 CFR 1604.11; and Ark. Code Ann. Section §16-123-105(1).~~ The Board of Corrections is vested with the authority to promulgate this administrative regulation by Arkansas law sections 12-27-105, 16-93-1203 and 16-93-1205.
- II. **POLICY.** ~~It is the policy of this~~ Agency policy is 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 Correction and Correction (Departments)~~ This policy applies to Arkansas Department of Correction employees 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.

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#### 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~~ Arkansas Department of Correction must establish procedures ~~by which~~ for resolving complaints ~~may be resolved~~. All complaints ~~shall~~ must be handled as confidentially as possible.

**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~~ is subject to appropriate disciplinary action, up to and including discharge.