



Sexual harassment of co-workers, consumers, patients/residents, volunteers, or business partners is unacceptable conduct and will not be tolerated. Any employee who engages in conduct that constitutes sexual harassment shall be subject to appropriate disciplinary action(s).

Sexual harassment is prohibited by Title VII of the 1964 Civil Rights Act. The Equal Employment Opportunity Commission references sexual harassment as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made as an implicit or explicit 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 the individual; (3) or such conduct has the purpose of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may occur as a single incident or as a pattern of incidents that may include verbal, non-verbal, or physical conduct such as:

- Sexually-oriented conversations, joking, innuendos, and comments regarding sexual activities.
- Subtle pressure for dates or propositions for sexual relations.
- Physical contact such as patting, pinching, kissing, and hugging.
- Requests for sexual favors, accompanied by implied or explicit promises of preferential treatment or threats concerning an individual's employment status.
- Displaying, brandishing or sending electronic communications including text messages, written materials, or pictures/images of a sexual nature.
- Posting visual displays containing sexual overtones.
- Spreading rumors about a person's sexual activity.

Sexual conduct of a verbal or physical nature has occurred when acts or attempts to commit acts of sexual abuse, sexual contact, sexual assault, unlawful sexual relations are directed towards consumers, patients/residents, employees, co-workers, or business partners. This also includes actions, conversations, or correspondence such as email or text messages that demonstrate or suggest a romantic or intimate relationship between a patient/resident, an employee, or co-worker. Whether or not the patient/resident consents or initiates the behavior is irrelevant in determining if sexual misconduct sexual harassment has occurred.

KDADS employees, volunteers, or business partners who experience or observe an incident of sexual harassment by a KDADS employee, volunteer, or business partner shall immediately report the incident to the appropriate KDADS Supervisor/Manager, EEO Coordinator, or Human Resources. Any KDADS employee receiving a report from a consumer, patient/resident regarding an incident of sexual harassment by a KDADS employee, volunteer, or business

partner shall immediately report the incident to the appropriate KDADS Supervisor/Manager, EEO Coordinator, or Human Resources Representative. Human Resources in consultation with the KDADS Legal Division will investigate all sexual harassment complaints, take corrective action where necessary, and document the investigation and the resolution

*Reference: Title VII of the Civil Rights Act of 1964 § 7, 42 U.S.C. §2000e et seq. (1964); 29 C.F.R. § 1604.11; Kansas Act Against Discrimination, K.S.A. 44-1001 et seq; Kansas Civil Service Act, in part, K.S.A. 75-2949f.*