

DAVID Y. IGE
GOVERNOR



ARTHUR J. LOGAN
MAJOR GENERAL
ADJUTANT GENERAL

KENNETH S. HARA
BRIGADIER GENERAL
DEPUTY ADJUTANT GENERAL

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE ADJUTANT GENERAL
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

POLICY DIRECTIVE 2018-02

12 June 2018

SUBJECT: Anti-Harassment Policy

1. Effective 1 January 2018, this policy supersedes and replaces previous Anti-harassment policies and will expire five years from the date of signature, unless cancelled earlier.
2. Applicability. This policy directive applies to all State of Hawaii, Department of Defense federal civilian employees, and supervisors of federal civilian employees.
3. Purpose. This directive provides anti-harassment policy and procedures for harassment complaint processes and points of contact.
4. References.
 - a. Title 29, Code of Federal Regulations, Part 1614, "Federal Sector Equal Employment Opportunity".
 - b. Equal Employment Opportunity Commission Management Directive 110, 05 August 2015, "Federal Sector Complaints Processing Manual".
 - c. Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002, Public Law 107-174.
 - d. State of Hawaii Department of Defense Policy Directive 2017-1. Hawaii National Guard Joint Civilian Discrimination Complaint Instructions.
5. General. As the Adjutant General of the Hawaii National Guard, I am thoroughly committed to taking all necessary steps to prevent harassment in the workplace, and to correct harassing conduct that occurs before it becomes severe or pervasive.
6. Policy.
 - a. Harassing conduct, for purposes of this policy is any unwelcome verbal or physical conduct when:

Anti-Harassment Policy Directive
12 June 2018

(1) The conduct can be reasonably considered to adversely affect the work environment; or

(2) Any employment decision affecting the employee is based upon the employee's acceptance or rejection of such conduct. Harassment prohibited under this policy includes but is not limited to harassment based on race, color, religion, sex (including sexual orientation, and pregnancy), national origin, age, disability, genetic information and previous participation in EEO process.

b. Sexual harassment is a form of sex discrimination that includes unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

(1) Submission to the conduct is made either explicit or implicitly a condition of employment;

(2) Submission to, or rejection of, the conduct is used as a basis for employment decision; or

(3) The conduct has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile or offensive work environment.

c. Examples of prohibited conduct (non-sexual harassment) include bullying, intimidation, jokes or stories related to race or ethnicity; teasing or mimicking a disability, accent or appearance; making obscene or lewd comments or gestures; commenting on a persons' body or sexual characteristics; and displaying nude or sexually-suggestive objects or images. This list is not all inclusive and can occur in-person or through electronic communication and include cyber-harassment/bullying.

d. "Stalking" is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear. Stalking is also a form of harassment covered under this policy and can include:

(1) Repeated, unwanted, intrusive, and frightening communications from the perpetrator by phone, mail, and/or email.

(2) Repeatedly leaving or sending victim unwanted items, presents, or flowers.

(3) Following or laying in wait for the victim at places such as home, school, work, or recreation places.

Anti-Harassment Policy Directive
12 June 2018

(4) Making direct or indirect threats to harm the victim, the victim's children, relatives, friends, or pets.

(5) Damaging or threatening to damage the victim's property.

(6) Harassing victim through the internet.

(7) Posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth.

(8) Obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, contacting victim's friends, family work, or neighbors, etc.

e. All allegations of harassment including retaliation and reprisal will be taken seriously and dealt with expeditiously, fairly, and thoroughly in accordance with applicable federal laws, and agency procedures.

f. Consequences of substantiated harassment may include: oral or written counseling or reprimand; transfer or reassignment; demotion; reduction of wages; suspension; discharge; additional training; monitoring of harasser and loss of employee privileges. Examples of corrective measures that may be granted to recipient of harassment may include: restoration of leave taken due to harassment; having records expunged of related negative evaluations and actions in personnel files; reinstatement; implementation of retaliation plan to actively protect against reprisal; and correction of any other harm caused by harassment. Commanders and managers will support this policy, ensure their personnel are advised of it, and post it on highly visible bulletins boards at all workplaces.

g. Procedures for reporting of harassment start by immediately contacting one of the following designated offices:

(1) Inspector General (IG);

(2) Labor Relations Specialist (LRS);

(3) Equal Employment Office and Representatives (EEO).

h. Upon receiving a harassment complaint, the receiving individual will route it through the IG who will log the complaint and forward within three (3) business days to Equal Employment Office (primary) or Labor Relations Specialist (alternate).

Anti-Harassment Policy Directive
12 June 2018

i. Investigations will be initiated within 10 days of notification and will be thorough, impartial and normally completed within 14 calendar days by EEO professionals or labor relations specialist. Upon completion of an investigation, the responsible supervisor shall promptly evaluate the evidence and determine appropriate actions, if any, to take. Where an investigation establishes that an employee engaged in harassing or retaliatory conduct in violation of this policy, he or she shall be subject to appropriate corrective or disciplinary action, up to and including removal. The identified procedures shall apply with or without allegation from a complainant to the EEO office. EEO personnel will submit alleged harassment to IG whenever consent is given by complainant.

7. Responsibilities.

a. Managers and supervisors will:

(1) Immediately report incidents of harassment to one of the identified individuals in 6.g. Failure to report allegations of harassment is a violation of policy and may result in disciplinary action.

(2) Provide interim relief to alleged victims of harassment pending outcome of investigations to ensure further harassment does not occur.

(3) Take prompt and effective corrective or disciplinary action against employees who violate this policy and other necessary steps to keep the workplace free of harassment.

(4) Document all incidents of harassment witnessed, or brought to their attention along with efforts to correct them.

(5) Communicate this policy and management support of harassment to subordinate, monitor workplace areas on an ongoing basis for inappropriate conduct.

(6) Conduct training on this policy and procedures on an annual basis.

b. HRO is responsible for ensuring that new employees are trained on the same training during new employee orientation training. HRO will include Anti-Harassment Policy information in all Management/Supervisor Training and Interview Board Training.

c. IG will act as the anti-harassment program manager by maintaining tracking mechanism for all complaints of harassment.

Anti-Harassment Policy Directive
12 June 2018

d. It is imperative that all incidents of harassment be immediately reported for action before it becomes a pattern of misconduct so pervasive as to constitute a hostile work environment. Harassing conduct cannot be corrected if it is not identified. The failure to take advantage of this procedure by any alleged victim of harassment may hinder his or her ability to seek recovery in the EEO forum. To the extent possible, information concerning harassment allegations and investigations, including witnesses' identities will be kept confidential, and only shared with those with a need to know.

e. Appeals may be raised to the TAG for further consideration in writing if the alleging individual does not believe that proper procedures were followed.

8. The point of contact for this policy is the State Equal Employment Manager, and can be reached at 808-672-1316.

ARTHUR J. LOGAN
Major General, HING
Adjutant General