

## **25.48-ANTI-HARASSMENT/ANTI-DISCRIMINATION POLICY**

### **POLICY**

The South Carolina Forestry Commission (the Commission) is committed to a policy of equal opportunity and non-discrimination on the basis of race, color, sex, gender, gender identification, sexual orientation, age (40 and over), religion, national origin, disability, pregnancy, childbirth, or related medical conditions (including but not limited to lactation), genetic information or military status (including reserves), marital or family status, or any other legally protected category under federal, state or local law. The Commission prohibits conduct which creates an objectively offensive or hostile work environment. The Commission further prohibits retaliation against anyone because he/she complains of unlawful discrimination or who files a charge or otherwise participates in an investigation of unlawful discrimination based on one or more of these unlawful factors or criteria, including but not limited to sex, race and national origin.

### **PROHIBITED CONDUCT UNDER THIS POLICY**

#### **Discrimination**

This policy prohibits unlawful discrimination of any kind, including but not limited to, discrimination based on race, color, sex, gender, gender identification, sexual orientation, age (40 and over), religion, national origin, disability, pregnancy, childbirth, or related medical conditions (including but not limited to lactation), genetic information or military status (including reserves), marital or family status, or any other legally protected category under federal, state or local law.

This policy applies to all aspects of the employment relationship between the Commission and its employees, customers and members of the public including, but not limited to recruitment, hiring, termination, promotion, transfer, assignment and reassignment, training, working conditions, wages and salary, employee benefits and the application of the Commission's policies and procedures.

Discrimination in employment on certain specified grounds is prohibited by a variety of federal and state laws, including Title VII of the Civil Rights Act of 1964, as amended; the Age Discrimination Act of 1967, as amended; and the Americans with Disabilities Act of 1990, as amended. This policy is intended to be coextensive with the acts and omissions prohibited by these federal and state anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary action.

#### **Harassment**

This policy prohibits harassment motivated by race, color, sex, gender, gender identification, sexual orientation, age (40 and over), religion, national origin, disability, pregnancy, childbirth, or related medical conditions (including but not limited to lactation), genetic information, military status (including reserves), marital or family status, and/or engaging in protected opposition or participative activity under any federal or state employment discrimination law.

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The term “harassment” means unwelcome (from the perspective of the person or persons being harassed) conduct (oral, written, graphic or physical) directed against any person or group of persons because of a factor or trait (such as race, color, national origin, religion, sex, gender, gender identification, age, disability, genetics, or military status) that has the purpose or reasonably foreseeable effect of creating an offensive, demeaning, intimidating, or hostile work environment for that person or group of persons.

Harassment also includes, but is not limited to, the use of discriminatory epithets, demeaning depictions or treatment, threatened or actual abuse or harm, and “jokes.”

Claims of harassment prohibited by this policy may arise from the actions of employees, vendors, customers, or visitors. Similarly, employees, vendors, customers, or visitors may make a claim of harassment based on the actions of one or more Commission employees.

The conduct may be between, but is not limited to, supervisor to employee, employee to employee, employee to supervisor, non-employee to employee, or employee to non-employee.

Harassment because of race, color, sex, sexual orientation, gender, gender identification, age (40 and over), disability, religion, and national origin and like unlawful factors is a prohibited form of discrimination under state and federal employment laws and is also considered misconduct subject to disciplinary action.

Each employee is responsible for assisting in the prevention of unlawful harassment or discrimination in the following ways:

- Refraining from participation in or encouragement of actions that could reasonably be perceived as unlawfully motivated harassment or discrimination.
- Reporting acts of suspected unlawful harassment or discrimination to a supervisor, management or the Human Resources Office as soon as possible;
- Encouraging any employee who discloses or confides that he/she is being unlawfully harassed or discriminated against to report these acts to a supervisor, management or the Human Resources Office immediately and informing the employee that if she/he does not do so, the employee will report the alleged unlawful incident.

### **SEXUAL HARASSMENT**

Sexual harassment is a particular form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964, as amended, and is prohibited under this policy. Sexual harassment can take various forms including, but not limited to:

- “Quid pro quo” harassment, where submission to sexual advances or acts is used as the basis for employment decisions. For example, employee benefits such as raises, promotions and better working hours being directly linked to compliance with sexual advances. Generally, only a supervisor with the authority to grant such benefits can engage in quid pro quo harassment. Examples include a supervisor promising an employee a raise if she goes on a date with him or has sexual relations with him; a supervisor threatening an employee that she will fire him if he does not have sex with her.

- “Hostile work environment,” where the unlawfully motivated harassment creates an offensive and abusive working environment. A hostile work environment can be created by anyone in the work environment, whether by supervisors, other employees, or nonemployees. Hostile environment harassment consists of conversations, comments, or dialogue of a sexual nature, sexually explicit depictions or materials, and unwelcome physical contact as a part of the work environment. Texts, e-mails, cartoons or posters of a sexual nature; vulgar or lewd comments or jokes; and unwanted touching or fondling all fall into this category.

Sexual harassment occurs when unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature is made explicitly or implicitly a term or condition of employment; is used as a basis for an employment decision; unreasonably interferes with an employee’s work performance; or creates an objectively intimidating, hostile or offensive work environment.

Sexual harassment may take different forms. The following examples are intended for guidance and are not exhaustive:

- Verbal - Sexual innuendo, suggestive comments, jokes and/or questions of a sexual nature; sexual propositions, lewd remarks or threats; requests for any type of sexual favor including unwelcome requests for dates; sexually demeaning rants.
- Nonverbal - Distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons, that are sexually suggestive or reflect a demeaning or hostile attitude toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, photos, text messages, or other form of communication that is sexually oriented in nature and offensive.
- Physical - Unwelcome physical contact, including but not limited to, touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling and forced sexual intercourse or assault.

## COMPLAINT PROCEDURE

An employee who believes she or he is being or has been subjected to unlawful harassment in violation of this policy is responsible for taking initiative to stop the unwelcome and possibly unlawful conduct. This could include making it clear to the offending employee or supervisor that the conduct is unwelcome or bringing the conduct to the attention of his/her supervisor, or, if the supervisor is perpetrating the harassment, to upper management or the Human Resources Director. A complaint can always be made to the S.C. Forestry Commission/Human Resources Office, 5500 Broad River Road, Columbia, S.C., 29212.

In addition, supervisors having knowledge of complaints or allegations of harassment must contact the Human Resources Director immediately. Supervisors who witness unlawful harassment or suspected unlawful harassment must take immediate action to stop the harassment AND immediately report the conduct and pertinent details to the Human Resources Director.

## PROCESS

All allegations of violations of this policy will be investigated promptly and thoroughly and with as much discretion as circumstances reasonably permit. The Commission will take remedial action when warranted, up to and including dismissal of offending employees. Employees must cooperate with all aspects of an investigation. Refusal to cooperate during an investigation may result in appropriate action, up to and including termination.

## RETALIATION

No employee may be retaliated against because she or he has made a reasonable, good faith complaint of prohibited discrimination, including unlawful harassment, or has participated in the investigation of such a complaint or has supported another employee's complaint of prohibited discrimination, including unlawful harassment.

False or malicious complaints of discrimination or harassment may be the subject of appropriate disciplinary action. This does not apply to complaints made in good faith but which are determined to be unfounded.

<b>HISTORY OF REVISIONS:</b> New Policy–March 11, 2019
<b>DATE OF REVISION:</b> November 10, 2021
<b>REASON FOR REVISION:</b> Updated language in the agency's policy statement and updated the same language located under the Discrimination and Harassment headings.