



ADF MANUAL TRANSMITTAL MEMORANDUM

TM No. 137

DATE: May 1, 2012
TO: ADF MANUAL HOLDERS
FROM: Lloyd Pierson, President and CEO
SUBJECT: Manual Section Update Project - Renumbering

BACKGROUND:

One activity of the 2012 Manual Section Update Project will re-group and re-sequence the current Manual Section's numbering convention. The purpose of the re-numbering is to add a level of priority, function, and logical sequence to Manual Section naming convention. The overall structure for the updated and re-ordered Manual is seen in the table below:

New Series Categories	
000	Interim Policy Statements and Manual Content
100	Authorities, Agreements, Organizations
200	Program
300	Human Resources
400	Administration
500	Finance

MANUAL MAINTENANCE:

Change the following 15 Manual Sections to the new numbering convention:

Old Number	New Number	Series Name
MS-201	101	ADF ACT
MS-503	303	Merit Promotion Plan
MS-561	310	Exit Clearance Procedures
MS-550	320	Equal Employment Opportunity Policy & Procedures
MS-557	323	Elimination and Prevention of Workplace Harassment ...
MS-504	324	Admin Grievance Policy - Non-Bargaining Unit Employees

MS-556	325	Workplace Anti-Harassment Policy
MS-553	341	No FEAR Act Policy on Annual Notification
MS-560	351	Reduction in Force Policy
MS-572	363	Federal Career Intern Program
MS-577	365	Recruitment of Attorney, Attorney-Advisor Positions
MS-545	371	Personal Identification Verification Cards
MS-410	410	Use of Binding Arbitration
MS-526	450	Procedures for Public & Confidential Financial Disclosure Systems
MS-558	451	Reporting Allegations of Criminal Offenses, Misuse of Grant & ...

Clearance: 
Doris M. Martin, General Counsel

Date: 05/01/2012

Approved: Lloyd O. Pierson
Lloyd O. Pierson, President

Date: May 1, 2012

ADF MANUAL

SUBJECT: Elimination and Prevention of Sexual Harassment and Hostile Work Environment in the Workplace

Section: MS-323

Date: May 1, 2012

Responsible Office: Office of the President

Supersedes: MS-557 “Elimination and Prevention of Sexual Harassment and Hostile Work Environment in the Workplace”

1. AUTHORITY

Federal law prohibits discrimination in employment because of race, color, religion, sex, national origin, age, physical/mental disability, or genetic information. The law also prohibits retaliation against any person who opposes an unlawful employment practice or who participates in any procedure alleging a discriminatory practice made unlawful by Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Rehabilitation Act of 1973, as amended; the Civil Rights Act of 1991; or the Genetic Information Nondiscrimination Act of 2008.¹ See also the Whistleblower Protection Act of 1989, Pub.L. 101-12 (5U.S.C. §2302(b)(8)).

2. PURPOSE

This sets forth the commitment of the African Development Foundation (ADF) to maintain a work environment which is free from any form of discrimination/reprisal or harassment related to a person's race, color, national origin, religion, age, sex (including sexual harassment), sexual orientation, and physical/mental disability. Sexual harassment against employees and applicants for employment is a form of sex discrimination which violates Title VII of the 1964 Civil Rights Act. Harassment in any form will not be tolerated at ADF.

¹ Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

3. POLICY AND SCOPE

Part of the unique mission and purpose of ADF is fostering hope, growth, and good will in Africa by working directly with the neediest communities. In fostering this mission, one of our core goals and operating principles in the workplace is organizational teamwork which values, supports, and develops a diverse, results-driven team that rewards hard work and dedication to the mission. The Foundation's success, therefore, is based on the ability of its employees to perform in an environment of mutual respect and dignity, and on the organization's fair treatment of its employees, applicants for employment, and its customers. All employees of ADF must be committed to ensuring a professional and productive working environment by engaging in respectful behavior that reflects the highest standard of conduct at all times. This includes refraining from engaging in any form of discrimination or harassment, including sexual harassment.

Sexual harassment in the work environment, like other forms of discrimination, has an adverse impact on employee morale and productivity. Sexual behavior is never appropriate at work and it can create an intimidating hostile work environment, if condoned.

Sexual harassment includes demeaning remarks or insulting jokes of a sexual nature, pressure for dates, threats and promises based on trading sexual favors, or any behavior with sexual overtones which is intimidating or offensive to the recipient or observer of the behavior. Additionally, jokes, comments, and harassment of a racial, sexual orientation, religious or similar nature can also create a hostile work environment. Allegations of sexual harassment must be addressed by the proper ADF officials and appropriate action must be taken to prevent a reoccurrence of the action.

It is the intent of the ADF to prevent sexual harassment and to stop it before it rises to the level of a violation of federal law. Therefore, any employee who engages in improper conduct will be subject to appropriate disciplinary action. Supervisory or management officials who either condone or fail to act promptly to correct inappropriate sexual conduct that is brought to their attention will also be subject to appropriate disciplinary action.

Any employee who witnesses sexual harassment or who feels he or she is being harassed, even if such conduct is not severe or pervasive, should immediately report the behavior to any supervisor/manager, the EEO Officer, or to the Human Resources Specialist.

The ADF wants to assure all employees that workplace harassment is unacceptable conduct and will not be tolerated or condoned in any way. All employees are personally responsible for their behavior. In addition, all supervisors and managers must set an example by exhibiting behavior that promotes a healthy non-discriminatory work environment.

4. RESPONSIBILITIES

- 4.1** **ADF EEO Officer** has oversight responsibility for the entire EEO program of the Foundation; provides or assures the provision of adequate and timely training for Foundation supervisors and managers; ensures that all EEO policies are updated

and disseminated annually or in accordance with federal regulations; and provides advice and guidance to agency officials to ensure that compliance with all provisions of law and regulation are met in the day-to-day operations of the Foundation.

4.2 **Supervisors and Managers** are responsible for ensuring that they are familiar with this Manual Section and can recognize the various forms of sexual harassment; and that they are familiar with the requirements of law and regulation with regard to their responsibility to prevent sexual harassment and a hostile work environment. It is axiomatic that management officials must not engage in harassing behavior of any kind, and must take prompt and appropriate action if they witness such behavior. When incidents of harassment are reported to supervisory or management officials, the Foundation shall:

4.2.1 review allegations promptly and take immediate corrective action, including discipline;

4.2.2 talk to all individuals involved in order to discern the facts;

4.2.3 respect the privacy rights of all individuals involved by extending confidentiality to the complainant, the accused harasser, and to their witnesses to the extent possible; and

4.2.4 protect employees from retaliation if they make a complaint or assist in an investigation.

4.3 **Employees** are responsible for the prevention of sexual harassment by not engaging in inappropriate verbal, non-verbal or physical behavior that is sexual in nature. Additionally, employees are required to **report** all incidents of sexual harassment to any supervisor or manager, the EEO Officer, or to the Human Resources Specialist, and also to cooperate with any official administrative inquiry on the matter. This requires employees to be familiar with the definition of sexual harassment as outlined in Section 5 of this Manual Section. Other prevention strategies include, but are not limited to, the following:

- think before you speak (or send an email) or make comments of a personal nature;
- keep your hands to yourself; and
- watch your body language when interacting with others.

4.4 **The ADF** is responsible for updating, posting and/or disseminating this Manual Section annually, and for taking disciplinary action against anyone who engages in reprisal for reporting incidents of sexual harassment.

5. DEFINITIONS

5.1 Equal Employment Opportunity Commission has defined sexual harassment as including:

unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

5.1.1 submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

5.1.2 submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

5.1.3 such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment takes on many forms and includes, but is not limited to, the following examples:

- sexually explicit verbal abuse, such as slurs, jokes, statements, gestures, requests for sexual favors, and conversations containing sexual comments;
- unwelcome sexual flirtation or advances;
- requests for sexual activity in exchange for favorable treatment or continued employment;
- inappropriate contacts, such as unnecessary, unwelcome, or unsolicited touching, patting, pinching, grabbing, cornering, or repeated brushing against another person's body;
- visual displays in the workplace, such as pictures, cartoons, electronic messages, or internet websites of a sexual nature.

6. PROCEDURES

6.1 All managers and supervisors will be held responsible for ensuring that the workplace is free from sexual harassment and that appropriate action is taken when allegations of violations of this policy are brought to their attention. The ADF will not tolerate any retaliation against an individual who brings such a complaint or who provides information related to a complaint.

6.2 Any ADF employee found to have engaged in workplace harassment in violation of this policy will be disciplined. Supervisors who observe unprofessional

behavior that may create an environment offensive to any staff member have a responsibility to take appropriate action.

6.3 When incidents of sexual harassment have been alleged, management shall:

- 6.3.1** be prompt at taking corrective, curative, and preventive actions to stop the harassment—even if the victim asks that such actions not be taken;
- 6.3.2** be objective -- do not express disbelief that the alleged harasser would not do such a thing, and do not ignore or trivialize the incident;
- 6.3.3** conduct a thorough interview of the complaining party;
- 6.3.4** assure the complaining party of the appropriateness of coming forward;
- 6.3.5** assure the complaining party that his or her complaint will be taken seriously, and reiterate that retaliation against the complaining party will not be tolerated;
- 6.3.6** conduct a thorough and objective interview of the alleged harasser and any relevant witnesses, again reiterating that retaliation against the complaining party will not be tolerated;
- 6.3.7** create a written factual record of a fair and objective review of the incident including time, place, witnesses, identity of the harasser(s), and frequency of the incidents, and whether previous concerns have been reported against the alleged harasser; and
- 6.3.8** determine and implement appropriate remedial or disciplinary action, if warranted.