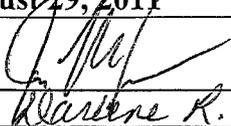


SEXUAL HARASSMENT AND DISCRIMINATION

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PURPOSE

Sexual harassment and discrimination are illegal in the workplace and it is the County's philosophy that all employees should be treated with dignity and respect. The County's goal is to create a positive work environment for each employee. The County shall not allow discrimination based on sex, sexual origin, or perceived sexual preference. The County also prohibits discrimination based on race, color, religion, gender, national origin, age, physical or mental disability, political affiliation, genetic information, or veteran status.

SCOPE

This policy defines sexual harassment. The information in the policy gives the employee direction in reporting, filing, and resolving sexual harassment or discriminatory situations. This policy outlines employee, supervisor, and County responsibilities when an employee files a sexual harassment or discrimination claim. It also describes consequences of violations.

CROSS REFERENCE

Equal Employment Opportunity, Policy 200
Code of Conduct, Policy 500
Progressive Discipline, Policy 600
Grievance & Appeals, Policy 610

POLICY AND PROCEDURE

1. Sexual Harassment, Hostile Environment, and Discrimination defined.
 - A. **Sexual Harassment** is defined 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 either explicitly or implicitly or affects 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 working environment.
 - B. **Hostile Environment** is defined as regular and repeated actions, or things displayed around the workplace that "unreasonably interfere" with job performance or create an "intimidating, hostile, or offensive" work environment.

A hostile environment may include sexual pictures, calendars, graffiti, or objects or consist of offensive language, jokes, comments, or gestures.

- C. **Discrimination** is defined as unfavorable or unfair treatment of a person or class of persons in comparison to others because of race, gender, color, religion, national origin, age, physical/mental disability, sexual orientation, political affiliation, veteran status, or protected genetic information. The County, however, is not required to offer preferential treatment to any person or group.

2. General Administrative Policy

- A. Employees shall not engage in conduct constituting sexual harassment, hostile environment, or discrimination. Those in management positions shall discipline any employee who, after investigation, is determined to have engaged in such conduct. Reprisal for opposition to discriminatory practices or participation in the Equal Employment Opportunity process is prohibited.
- B. Those in management positions who knew or should have known of incidents of sexual harassment, hostile environment, or discrimination, and failed to take appropriate action in accordance with this policy, shall be disciplined.
- C. Those in management positions shall discipline an employee who takes reprisals against another employee for filing a complaint alleging harassment or for appearing as a witness for any party in a harassment or discrimination complaint. An employee shall be disciplined who submits a claim which is determined to be fraudulent or in bad faith.
- D. Conduct occurring off duty or off County property may constitute sexual harassment.
- E. Any supervisor or employee who has reason to believe that an employee is the victim of sexual harassment should encourage the victim to seek resolution, in accordance with the procedures established in this policy. In the alternative, the employee may inform his or her supervisor, or the HR Director, of the existence of a possible complaint.

3. Resolution of a Complaint

- A. An employee who feels victim of sexual harassment or discrimination should inform the alleged offender that the behavior is unwelcome. The employee should also discuss the matter with the Department Head or the HR Director.
- B. Upon request, the HR Director shall provide assistance by advising the employee about how to address the issue with the alleged offender or help the employee bring the issue to the Department Head.

1. The HR Director shall inform the Department Head of the incident, within reasonable time. If the Department Head is the alleged offender, the HR Director shall inform the County Attorney.
 2. Upon request, those in management positions shall provide assistance by advising the employee about how to address the issue with the alleged offender or by discussing the issue with the alleged offender.
 3. If an employee notifies any person in a management position of a complaint, the supervisor or manager shall notify the HR Director. If the HR Director is the alleged offender or otherwise concludes that he or she is unable to determine the matter impartially, the complaint shall be referred to the County Attorney. Upon request, the alleged offender may be provided a copy of a written complaint.
 4. The HR Director shall determine the status of the complaint (in consultation with legal counsel, if deemed necessary). Within a reasonable period of time of receiving the complaint, the HR Director will prepare a verbal statement or written report of the nature of the investigation and the findings and conclusions of the investigation. The HR Director shall provide a copy of the report to the parties involved, the County Attorney, the County Commission (if applicable), and the Career Service Council (if applicable).
 5. At the conclusion of the investigation and determination, management shall impose discipline in accordance with the progressive disciplinary policy.
 6. Either party may submit a grievance regarding the findings of the report by submitting the grievance in accordance with the grievance and appeals policy. Only the person disciplined may submit a grievance regarding such discipline.
- C. Investigation - The investigation shall include an interview of the parties, any individuals identified by the parties, and other individuals, at the discretion of the investigator. If a recommendation regarding discipline is made, the HR Director and County Attorney shall consider discipline imposed in other cases involving similar circumstances.
- D. The process for Submitting a Complaint of Sexual Harassment or Discrimination against a person not employed by the County is the same as the process for submitting a complaint against an employee. In these cases, the County Attorney or HR Director shall use all reasonable means to resolve the complaint, including referring the complaint to the employer of the alleged offender or to the regulatory agency to which the alleged offender is subject.

E. Records

1. All complaints, notices, correspondence, reports, and other documents regarding a written complaint shall be maintained by the HR Director separate from any personnel file. If the HR Director is the subject of a written complaint, the record shall be kept by the County Attorney.
 2. The HR Director shall keep all records of complaint in a secure file, whether the complaint is determined to be with or without merit.
 3. The HR Director shall place records regarding discipline as a result of a complaint of discrimination/harassment of violation of this policy in the disciplined employee's personnel file. If the HR Director is the subject of a written complaint, then the record shall be kept by the County Attorney.
6. Confidentiality - Employees and management personnel involved in a claim or an investigation shall not disclose any information related to the case to any unauthorized person, other than public data as defined in the Governmental Records Access and Management Act.