

Jefferson County Policies & Procedures

Policy Name:	Sexual Harassment	Approved:	1/6/2012
Policy Number:	209	Author:	Boyde
Associated:			

SEXUAL HARRASSMENT

POLICY

The Jefferson County Commission prohibits sexual harassment in the workplace, whether committed by supervisory or non-supervisory personnel, elected officials, or third parties.

PROVISIONS

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of race, sex, religion, or national origin. Sexual Harassment is included among those prohibitions.

Specifically, no supervisor shall insinuate or threaten, either explicitly or implicitly, that an employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that employee's employment, wages, advancement, assigned duties, shifts, or other condition of employment or career development.

Other sexually harassing conduct in the workplace that may create an offensive work environment, whether it be in the form of physical or verbal harassment, regardless of whether committed by supervisory or non-supervisory personnel, or persons not employed by the county is prohibited .

Prohibited conduct included but is not limited to:

- Repeated offensive or unwelcome sexual flirtations, advances, propositions, continued or repeated verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body;
- Sexually degrading words used to describe an individual;
- The display in the workplace of sexually suggestive objects or pictures;
- Harassment based on sexual preference;
- Retaliation for sexual harassment complaints such as disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work related matters with any employee because that employee has complained about or resisted harassment, discrimination or retaliation;
- Intentionally pressuring, denying, lying about, or otherwise covering up or attempting to cover up improper conduct;
- Creating and/or spreading rumors of a sexual nature;
- Physical assaults of a sexual nature such as;
 1. Rape, sexual battery, molestation or attempts to commit these assaults; and

2. Intentional physical contact which is sexual in nature such as touching, pinching, patting, grabbing, brushing against another employee's body or touching another employee's body.

Sexual harassment in the workplace by any employee will result in disciplinary action up to and including dismissal and may lead to personal, legal, financial liability.

- Persons involved in a confidential investigation shall cooperate and provide true and complete information.
- Employees who fail to cooperate with county investigations of sexual harassment or retaliation shall be subject to disciplinary action up to and including dismissal.
- Supervisors who allow harassing or offensive language or behavior within their work unit, or who fail to respond promptly to a complaint of sexual harassment, shall be subject to disciplinary action up to and including dismissal.

Employees are **expected** to contact their immediate supervisor, their Elected Official/Department Head, or the County Administrator if they are confronted with sexual harassment or observe any prohibited form of harassment.

- The County will maintain both a male and female contact person for complainants to use for review of an incident or concern.
- Such internal concerns will be investigated promptly (within 3 business days), and corrective action will be taken where allegations are verified.
- No employee will suffer retaliation or intimidation as a result of using the internal review team.

PROCEDURES

General

It is the responsibility of each supervisor to ensure the county work environment is free from sexual harassment.

Any complainant wishing to have a review of an alleged incident must express their concern in writing, or make an oral presentation to their supervisor, to the elected official/department head, or the county administrator.

A complainant need not be limited to someone who was the target of harassment or retaliation. Anyone who has observed sexual harassment or retaliation must report it to their immediate supervisor. Upon hearing of a complaint, the supervisor must report this information to the county administrator immediately. The supervisor may be asked to help in the investigation of the complainant, if appropriate.

Process

The complainant should first discuss the incident or concern with the supervisor of the department or

area from which the alleged concern originates, if feasible.

The investigation will generally be as follows:

1. The investigator, appointed by the County Administrator will create a confidential and separate file.
2. The investigator will review relevant county policies and procedures.
3. The investigator will interview the complainant and document the interview.
4. The investigator will interview the alleged perpetrator and will document the interview.
5. The investigator will interview witnesses for corroboration.
6. The investigator will prepare a report stating the nature of the complaint, information gathered, and recommendations for corrective action.
7. Dissemination of information or findings will be determined on a need-to-know basis to ensure appropriate confidentiality.
8. The investigator will review the report with the Civil Division who, together with the investigator, will separately advise the alleged victim and the alleged perpetrator of the results of the investigation.
9. The elected official/county administrator will take appropriate action recommended by the investigator and counsel.

Documentation

General information regarding Sexual Harassment will be available from the county administrator.

The elected official/county administrator will maintain all written records of incidents in separate, confidential, locked files.

Written material regarding any sexual harassment incident or concern will not be made part of an employee's personnel file.

General information regarding any disciplinary actions taken resulting from a confirmed sexual harassment investigation will be in the employee's personnel file.