

POLICY NO.: 360-14

## HARASSMENT FREE WORKPLACE POLICY

### A. PURPOSE

It is the policy of the County to provide a workplace environment that is free of discrimination, harassment and hostility. It is the County's policy to prohibit all forms of unlawful harassment at work, which includes race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, pregnancy, sex, gender identity or expression, disability or atypical hereditary cellular or blood trait of any individual or any other characteristic protected by law.

### B. DEFINITIONS

1. "Sexual harassment" constitutes discrimination and is illegal under Federal and State Law. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or continued employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions effecting such individual or (iii) 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.
  - a. This conduct may include a range of subtle, and not so subtle, behaviors and may involve individuals of the same or different gender. Depending upon the circumstances, these behaviors may include but are not limited to unwarranted sexual advances or requests for sexual favors; sexual jokes and innuendoes; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, cat-calling or touching; insulting or obscene gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail) and other physical, verbal or visual conduct of a sexual nature.
2. "Harassment" on the basis of any other protected characteristic is also strictly prohibited. Under this policy, this includes verbal or physical conduct that denigrates or shows hostility, bias or aversion toward an individual because of his or her race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, pregnancy, sex, gender identity or expression, disability or

atypical hereditary cellular or blood trait of any individual or any other characteristic protected by law.

- a. This conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

C. INDIVIDUALS AND CONDUCT COVERED

1. This policy applies to all applicants and employees and prohibits harassment and retaliation whether engaged in by supervisors, coworkers or vendors. The conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.
2. All employees, and particularly supervisory personnel, have a responsibility for keeping the work environment free of harassment. Any employee who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, must report it as set forth herein.

D. RETALIATION IS PROHIBITED

1. Retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports is prohibited. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will subject the individuals involved to serious disciplinary action.

E. REPORTING AN INCIDENT

1. Employees are strongly urged to report all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to the policy as stated above, or who have concerns about such matters, should bring their complaints, reports or concerns to a supervisor, their Department Head and/or the Department of Human Resources & Training. Individuals should not feel obligated to bring their complaints, concerns and reports of discrimination or harassment to their immediate supervisor or Department Head before bringing the matter to the attention of the Department of Human Resources & Training.

2. Early reporting and intervention have proven to be the most effective method of resolving actual and perceived incidents of harassment and/or retaliation. Therefore, while no fixed reporting period has been established, employees are strongly urged to immediately report complaints or concerns so that prompt and constructive action can be taken.
3. The availability of this complaint procedure does not preclude individuals who believe they are being subject to harassing conduct from promptly advising the offender, in a private and professional manner, that his or her behavior is unwelcome and request that it discontinue.

F. INVESTIGATION

1. Any reported allegation of harassment, discrimination or retaliation will be investigated promptly and thoroughly. The investigation may include individual interviews with the parties involved and, where necessary, interviews with individuals who may have relevant knowledge.
2. Confidentiality will be maintained throughout this investigative process to the extent that it is consistent with conducting an adequate investigation and engaging in appropriate corrective or remedial actions.
3. At the conclusion of the investigation, the findings will be reviewed with the person(s) who made the complaint.

G. RESPONSIVE ACTION

1. Misconduct constituting harassment, discrimination or retaliation will be dealt with promptly and effectively. If it is determined that an individual has engaged in this conduct, appropriate corrective action will be taken to prevent the conduct from occurring again. This may include discipline up to and including discharge.
2. In the event the facts revealed during the investigation are inconclusive or unclear, management will ensure that all parties are reacquainted with the policy prohibiting harassment, discrimination and retaliation.