

COUNTY OF DEL NORTE

SEXUAL HARASSMENT POLICY AND PROCEDURE

POLICY

It is the policy of the County of Del Norte that sexual harassment is unacceptable conduct and that sexual harassment by any employee, supervisor, manager, official, or another person, male or female, will not be tolerated. Sexual harassment is grounds for disciplinary action up to and including termination.

PURPOSE

The County of Del Norte is committed to providing employees a working environment free of unlawful discrimination, sexual harassment and any other conduct that is inconsistent with State and Federal laws or against policy adopted by the Del Norte County Board of Supervisors.

DEFINITION

Sexual harassment has been defined by federal and state regulations as a form of sex discrimination. It can consist of unwelcome sexual advances, requests for sexual favors, the display of derogatory posters, cartoons or drawings, or other physical or verbal conduct of a sexual nature by supervisors or others in the workplace.

Sexual harassment exists when:

1. Supervisors or managers make submission to such conduct either an explicit or implicit term or condition of employment (including hiring, compensation, promotion or retention); or
2. Submission to or a rejection of such conduct is used by supervisors or managers as a basis for employment decisions.

3. Sexual harassment may also exist when such conduct by any other employee unreasonably interferes with an employee's work performance, or creates an intimidating work environment.

EXAMPLES OF PROHIBITED BEHAVIOR

Sexual harassment refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with work effectiveness. The victim defines what is unwelcome whether between male and female, male and male, or female and female. Behaviors that constitute sexual harassment include, but are not limited to:

1. UNWANTED SEXUAL ADVANCES: Continuing to express sexual interest after being informed or otherwise made aware that the interest is unwelcome.
2. FAVORS: Offering favors or employment benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations, reclassification, etc., in exchange for sexual favors.
3. REPRISAL: Making reprisals, threats of reprisal or implied threats of reprisal following a negative response to sexual advances. For example, either threatening to withhold or actually withholding supports for an appointment, promotion or change of assignment, or suggesting that a poor performance appraisal will be given.
4. VISUAL CONDUCT: **Leering**, sexual gestures, display of sexually suggestive objects or pictures, cartoons, posters, magazines or other materials.

5. VERBAL CONDUCT: Making or using derogatory comments, slurs, jokes or epithets or verbal sexual advances or propositions.
6. VERBAL OR WRITTEN MISTREATMENT: Verbal mistreatment of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, the individual's gender, suggestive or obscene letters, notes or invitations.
7. PHYSICAL CONDUCT: Any offensive or uninvited touching, such as patting, pinching or purposely rubbing or brushing against an individual's body, or impeding or blocking movement.

RESPONSIBILITIES FOR IMPLEMENTATION

By law, the Board of Supervisors, department heads and supervisors are responsible for the actions of their employees. Each department head and supervisor is responsible for implementing this policy within his or her area of responsibility.

1. PERSONNEL: In addition to any other duties and responsibilities the Personnel Office may have in the investigation and enforcement of this policy, the Personnel Office shall assure that all employees are provided a copy of this sexual harassment policy and acknowledge receipt thereof.
2. RISK MANAGEMENT: Risk Management shall have the responsibility to monitor and implement State laws and regulations pertaining to the posting of informational notices and the dissemination of state published brochures on sexual harassment.
3. DEPARTMENT: Every department has the responsibility and obligation to assure that the work environment is free from all types of unlawful discrimination, including sexual

harassment. Prompt appropriate action to prevent occurrence of sexual harassment is expected.

4. EMPLOYEE: Many persons are not aware that their behavior is offensive or potentially harassment. Often simply advising someone of the offensive nature of his or her behavior will resolve the problem. If harassment occurs, employees should immediately inform the harassing individual that his or her behavior is unwelcome, offensive, in poor taste or inappropriate. If this does not resolve the matter, or if an employee feels uncomfortable, threatened or has difficulty expressing his or her concern, the complaint procedure shall be utilized.

NO RETALIATION

Retaliation against any employee for complaining of or reporting harassment, or against any employee for assisting in providing information relevant to a claim of harassment made by a fellow employee, is strictly prohibited and deemed a violation of this policy.

COMPLAINT PROCEDURE

The County recognizes that the question of whether a particular action or incident is a purely personal, social relationship, without discriminatory employment effect, requires a determination based on all facts in the matter. Given the nature of this type of discrimination, the County also recognizes that false accusations of sexual harassment can have serious effects on innocent individuals. All county employees shall act responsibly to establish and maintain a pleasant working environment. The County encourages any employee or person who may have questions or believes he or she has been subject of sexual harassment to report the alleged incident immediately to his or her supervisor, department head and/or the personnel department.

All complaints will be treated seriously and handled in a timely and confidential manner. To the extent feasible, proceedings under this policy and all reports and records filed shall be confidential and will be disclosed only to those who have a legitimate need to know the

information. All reasonable effort shall be made to protect the privacy interests of the parties involved, however complete confidentiality shall not be assured as the County may be legally required to reveal contents of discussion and analysis. Notice to the alleged harasser, as well as review and release of any documents, including personnel records, shall be subject to any statutory requirements or restrictions.

1. NOTIFICATION OF COMPLAINT: A supervisory employee receiving a complaint of sexual harassment shall immediately inform the department head and personnel department.

2. INFORMAL RESOLUTION: When an alleged incident is received, the department head, their designee and/or the personnel department representative will ask the complainant to define his or her perception of the incident(s) and the desired resolution. The department head, their designee and/or personnel representative may conduct a brief informal investigation and make every effort to resolve the problem on a very informal basis. If an informal investigation does not successfully resolve the issue a formal complaint may be filed. The complaint form, along with instructions for filing it, may be obtained upon request from the employee's department head or the County personnel department.

3. FORMAL INVESTIGATION: The filing of a written complaint by the employee to the department head and/or the personnel department will initiate a formal investigation. The personnel officer or designee will have full authority to investigate all aspects of the complaint. Investigations involving sworn employees shall be conducted in accordance with Government Code section 3300 et seq. As appropriate, the formal investigation may include, but not necessarily be limited to the following:
 - A. The dates and places of the alleged acts and the names of persons alleged to be involved or to have relevant knowledge shall be obtained.

- B. The persons named above will be interviewed. A copy of the formal complaint will be provided to the employee or employees being accused of harassment insofar as it relates to them at the onset of the investigation.
- C. Any pertinent documents or records shall be reviewed.
- D. If the investigation reveals that the complaint is valid, prompt attention and action designed to stop the harassment immediately will be taken and to prevent its recurrence. Disciplinary action up to and including dismissal may be taken upon a finding that a County official or employee has engaged in prohibited sexual harassment as defined herein.
- E. If the complaining employee chooses to register the complaint directly with the personnel department, the department head shall be notified that a complaint has been filed. In the event the alleged harasser is the department head or immediate supervisor of the complaining employee, that party shall not be notified of the complaint until formal investigation is commenced. In that event, the County Administrative Officer will initiate investigation regarding the written complaint and advise the Board of Supervisors as appropriate.
- F. In the event the alleged harasser is the County Administrative Officer; the complaining employee shall register the complaint directly with County Counsel. In that event, County Counsel will conduct the investigation and respond in all areas where the County Administrative Officer would normally be expected to function.
- G. Within thirty working days, the personnel department or investigating party shall provide a confidential written response to the employee who filed the complaint advising the employee of the resolution to the extent legally permitted. In the event, formal disciplinary action is imposed for which a formal appeal process is available to the disciplined employee; a copy of this report will be made available to that employee. In the event that additional time

beyond the thirty working days is necessary, the personnel department shall advise the complainant in writing of the estimated date of conclusion.

EEOC COMPLAINTS

The filing of a complaint following this policy or the decision of the county authority does not prevent the employee from filing a complaint with the Equal Employment Opportunity Commission (EEOC) or from filing an action in the courts.

DISTRIBUTION

This policy and any revisions thereof, shall be distributed to all county officers and employees.

FORMS

Form # 6 Sexual Harassment Report Form: Complainant shall use this form to initiate a formal investigation. This form is available in each department or the Personnel/Risk Management Department.