

# SEXUAL HARASSMENT POLICY

**Policy:** The County fully supports and complies with the laws which are enacted to protect and safeguard the rights and opportunities of all people to seek, obtain and hold employment without being subjected or exposed to illegal harassment or discrimination in the workplace. It is our policy to provide all employees with an environment which is free of harassment based on sex.

**Harassment Defined:** Sexual Harassment is defined as an unwelcome sexual advance, request 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, a term or condition of employment.
- (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions, such as discharge, promotion, transfer, work assignments, etc.
- (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creates an intimidating, hostile or offensive work environment.

**Examples of Harassment:** Any harassment based upon sex will be unacceptable. Some examples of sex-based harassment include:

- (1) Making derogatory comments, insults, suggestive remarks, or jokes based on a person's sex;
- (2) Display of photographs, cartoons or drawings of a sexual nature that would be offensive to a reasonable person;
- (3) Conduct which when viewed by a reasonable person would have the purpose or effect of degrading or creating an intimidating, hostile or offensive work environment;
- (4) Propositions or requests for sexual favors;
- (5) Physical contact which is sexual in nature;
- (6) Stating or implying that deficient job performance is attributable to a person's gender;
- (7) Possession (while on employer's property or while working) of materials of any kind, such as magazines, calendars, etc., which are degrading to an individual or group on the basis of sex (or any other protected characteristic); and
- (8) The giving of unsolicited or inappropriate personal gifts (lingerie, sex books, or any gift inappropriate in nature).

## Complaint Procedures:

Any employee who believes s/he has been the subject of any harassment should report the incident immediately to his/her department head, elected official or judge. The elected official, department head or Judge supervisor shall then immediately notify the County Administrator about the complaint. A complaint may be filed by an employee who was not the target of harassment or retaliation.

## Steps For Filing a Complaint:

**Step 1:** The employee shall register his/her complaint initially with his/her elected official, department head, or Judge. The elected official, department head or Judge will investigate the complaint and prepare a written report of the investigation. The elected official, department head or Judge will give the employee a written response to the complaint within three (3) working days. A copy of the report will be given to the County Administrator.

**Step 2:** Where the elected official, department head or Judge was: (1) a participant in the prohibited activity; (2) condoned the activity; (3) failed to respond in writing within three (3) days without good cause; or (4) the response is unsatisfactory, the employee may at his/her own choosing by-pass the elected official, department head or Judge and submit a written complaint directly to the County Administrator. If the County Administrator

is the individual suspected of harassment, the written complaint may be submitted directly to the Chairperson of the Board of Commissioners.

In those situations where a violation has been shown to have occurred, immediate action will be taken to remedy the situation. Further steps will be taken to discourage or prevent future re- occurrences.

All complaints and actions taken to resolve such complaints will be treated as confidentially as possible under the circumstances and will be disclosed only when necessary to the investigation and the resolution of the matter or as required by the Employer to defend itself or comply with the law.

**Non-Retaliation Policy:**

This policy not only strictly prohibits harassment but also prohibits any act of retaliation against an employee who, in good faith, has filed a complaint for harassment. Any supervisor, agent or employee of the employer who is found to have taken actions determined to be retaliatory in nature against a complainant shall be subjected to immediate discipline up to and including discharge. Any person who believes they were retaliated against for exercising rights under this policy should immediately file a complaint.

**Conclusion:**

Any employee or supervisor who violates this policy will be subject to discipline up to and including discharge.

ATTACHMENT A

CASS COUNTY  
CONFIDENTIAL  
EMPLOYEE HARASSMENT COMPLAINT FORM

Thank you for bringing your concern to our attention. We will try to promptly resolve your complaint. Feel free to keep in touch during the investigation process. Discussing your concern with your Department Head or Elected Official initially often results in a successful resolution. However, where you believe that your Department Head or Elected Official has engaged in and/or condoned activities that constitute harassment, you are not required to discuss this matter with your Department Head or Elected Official.

Have you held a discussion with your Department Head or Elected Official?

Yes \_\_\_\_\_ Date \_\_\_\_\_ No \_\_\_\_\_

If there was no such meeting, what was your reason for NOT bringing it to your Department Head or Elected Official's attention?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you did discuss this matter with your Department Head or Elected Official, please state his or her response to the complaint:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMPLAINT

I. Please state the facts, events and circumstances that initiated filing this complaint. Please give a complete description of the event(s) and statements made. Within this statement, please give the names of the persons engaging in the alleged harassment, the dates they occurred, witnesses to the alleged harassment and your response (attach additional sheets if necessary).

II. Please state action or changes(s) you are seeking in order to resolve this complaint (attach additional sheets if necessary).

\_\_\_\_\_

Signature of Employee

Date

