

## SEXUAL HARASSMENT POLICY – CARVER COUNTY

### Definition

For purposes of this policy sexual harassment is defined as 1) any verbal, written, visual, or physical conduct of a sexual or gender biased nature which is sufficiently severe to alter the conditions of the victim's employment and create a hostile, intimidating or offensive work environment; OR 2) any conduct of a sexual or gender biased nature which is offensive, intimidating, unwelcome, or that could reasonably be taken as objectionable.

### Policy

It is the policy of Carver County that all employees should be able to enjoy a respectful workplace and a work atmosphere free from all forms of unlawful harassment, including implied or expressed forms of sexual harassment. Sexual harassment infringes on an employee's right to a comfortable, respectful work environment and is self-defeating as a workplace practice. It is a form of misconduct that is illegal, against County policy and will not be tolerated. No employee - male or female - should be subjected to sexual harassment. **All employees are expected to** treat their coworkers, subordinates, supervisors and public contacts with respect at all **times**. Carver County will not tolerate any form of sexual harassment in the work place, including acts of non-employees. Complaints of violations of the County's Sexual Harassment Policy will be quickly and thoroughly investigated. Violations of this policy by any employee, **whether or not the violation rises to the level of illegal sexual** harassment, will result in prompt disciplinary action, up to and including, termination of employment.

Examples of sexually harassing conduct under this policy may include but are not limited to the following:

1. Use of offensive or demeaning terms, which have a sexual connotation or a negative gender connotation;
2. Objectionable physical proximity or physical contact;
3. Repeated, unwelcome suggestions regarding, or invitations to, social engagements or work- related social events;
4. Any indication, express or implied, that an employee's job security, job assignment, opportunities for advancement or other terms or conditions of employment depend or may depend on the granting of sexual favors to any other employee, supervisor, or manager;
5. Any action relating to an employee's job status, which is in fact affected by consideration of the granting or refusal of social or sexual favors;
6. The deliberate or careless creation of an atmosphere of sexual harassment or intimidation;
7. The deliberate or careless expression of jokes, remarks of a sexual nature to, or in the presence of, employees who may find such jokes or remarks offensive;
8. The deliberate or careless dissemination of materials such as cartoons, articles, pictures, etc. which have a sexual content, and which are not necessary for work, to employees who may find such materials offensive;

9. The use of suggestive facial expressions or gestures of a sexual nature.

All employees should keep in mind that the absence of intent to sexually harass an individual is not a defense to a complaint of sexual harassment. **It is the impact and nature of the conduct**, not the intent that determine whether the conduct is sexually harassing.

#### Supervisory & Management Responsibilities

The supervisory and management personnel of Carver County are responsible for maintaining a work environment that is respectful and free from discrimination in any form. A part of those responsibilities are proactively maintaining the compliance of all employees with this policy. Each supervisor's and manager's success in their jobs depends, in part, on carrying out these responsibilities to prevent sexual harassment in the workplace and to maintain a respectful work environment. In the absence of a complaint, supervisors and managers observing conduct of the aforementioned nature in the workplace are responsible for calling such behavior and this policy to the attention of the participants at the time of the observance. A written summary of the discussion shall immediately be forwarded to the Human Resources Director.

Supervisors receiving complaints or reports of alleged inappropriate conduct shall immediately forward a report to the Human Resources Director, Human Resources Representative, or Assistant County Attorney III - Civil Division (the County's Sexual Harassment officers) prior to taking any action (screening, investigating, etc.) the complaint. In conference with a County Sexual Harassment officer, a determination shall be made as to whether an investigation is merited, who will investigate and what methods will be used in the investigation.

Failure of a supervisory or managerial employee to immediately forward reports of observances or complaints to a County Sexual Harassment officer shall be grounds for disciplinary action, up to and including termination of employment.

#### Employee Responsibilities

Non-supervisory employees observing conduct of the aforementioned nature are encouraged to call such behavior and this policy to the attention of the participants at the time of the observance, or promptly report such behavior to a supervisor or one of the County's Sexual Harassment Officers.

Any employee who feels he or she is being subjected to sexual harassment in any form, or any employee with knowledge or belief of conduct on the part of another employee or other individual which may constitute a violation of this policy, is required to report the alleged conduct immediately to a supervisor or a County Sexual Harassment officer as designated by this policy. While the County encourages written reports of the alleged conduct, verbal reports will be accepted. The individual receiving the report will need the following information:

1. Date, time and location of incident
2. Identification of the offender(s)

3. A detailed description of the incident
4. Any materials in the complaining employee's possession related to the incident (e.g. cartoons, articles, pictures)
5. Identification of any potential witnesses to the incident Additionally, at the time of the incident, if you are the employee being subjected to the inappropriate behavior and feel comfortable in so doing, you may courteously, but firmly, tell the individual(s) engaging in the inappropriate behavior to stop the behavior because the behavior makes you feel intimidated, offended or uncomfortable. Include a summary of this discussion in your report to the supervisor or County Sexual Harassment Officer.

### Complaint Investigation

The investigation methodology will include, at a minimum, personal interviews with the reporting employee, the complaining employee (if different than the reporting employee) and alleged offender(s). The investigation methodology may additionally include additional interviews, document review and other methods deemed pertinent by the investigator.

Every effort will be made to respect the privacy and identity of all parties to a complaint brought under this policy; however, this requires the cooperation of all parties involved in the investigation, including the complainant(s), the alleged harasser(s) and witnesses. Additionally, the County has an affirmative obligation to investigate, to take necessary action to resolve a complaint, and to comply with relevant state and federal regulations, and retains the right to disclose the identities of parties to a complaint, including witnesses, to those with a need or right to know.

A determination as to whether a particular incident constitutes a violation of this policy will be made based on the totality of facts and surrounding circumstances available to the investigator. These facts and circumstances include the nature of the behavior, the nature of the relationships between the parties involved, the situation and setting in which the incident occurred, and previous incidents and/or past or continuing patterns of behavior related to the parties involved.

The investigator will forward a summary of their investigation, the investigator's determination as to whether the incident constitutes a violation of this policy and, as applicable, recommendations on counseling, mediation, disciplinary or other personnel actions to the Department Head(s) of the alleged violators. The Department Head(s) or supervisor shall consult with the Human Resources Director prior to taking any disciplinary action and then shall take such disciplinary action as deemed necessary to ensure the behavior is corrected.

Failure of the Department Head or supervisor to promptly take the agreed upon action shall be grounds for disciplinary action, up to and including termination.

Reprisal The County will not tolerate acts of retaliation against employees who have made a good faith report of suspected violations of this policy or any person who assists or participates in an investigation or assists or participates in a proceeding related to such investigation. The County will discipline or take other appropriate action against any

employee or elected official who engages in acts of retaliation towards these individuals. For purposes of this policy, retaliation includes but is not limited to: refusal to meet, or excessive delays in meeting with, or otherwise working with the individual; refusal to share, or excessive delays in sharing, appropriate work- related information such as meetings schedules and agendas, changes in policies or laws; other forms of interference of the individual in the performance of their job; verbal or physical threats; ridicule; rumor spreading; making a false complaint against the individual; destruction of property.

Sign and return to Human Resources

**ACKNOWLEDGEMENT OF SEXUAL HARASSMENT POLICY**

I \_\_\_\_\_, acknowledge that Carver County prohibits unlawful harassment, including sexual harassment and harassment based on race, national origin, religion, pregnancy or age. I understand that policies and procedures are in place at Carver County to prevent and remedy such behavior.

I have read the County's Sexual Harassment Policy and understand that I am to make an immediate report if I am subjected to harassment (or have knowledge of any harassment) by any county employee (no matter if it is an executive, supervisor or coworker), customer, vendor or elected official.

I acknowledge that I have attended the employee training session with Human Resources, and viewed the Sexual Harassment Video, as recommended. In accordance with the guidelines presented on the subjects covered and discussed, I agree to apply the information presented to the best of my ability.

Employee Name (Printed) \_\_\_\_\_

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_