

VIOLENCE AND HARASSMENT POLICY

I. POLICY STATEMENT

It is the policy of Itasca County (hereinafter "County") to maintain an environment free from violence and harassment. The County prohibits any form of violence and harassment including violence and harassment based on race, national origin, sexual/gender, religion, disability, age, marital status, status with regard to public assistance or sexual orientation.

It shall be a violation of this policy for any employee, intern, volunteer, elected/appointed official or other associate of the County, paid or unpaid, to engage in or be subjected to violence or harassment within the workplace or in the commission of their assigned duties.

The County will investigate all complaints, either formal or informal, verbal or written, of violence and/or harassment involving any employee, intern, volunteer, elected/appointed official or other associate of the County, paid or unpaid, within the workplace or in the commission of their assigned duties.

II. DEFINITIONS:

- A. Violence: Any act or instance of intentional physical harm or the threat of physical harm. This includes the intentional destruction of property.
- B. 1. Harassment: Repeated, intrusive or unwanted acts, words or gestures that reasonably appear to adversely affect the workplace environment, safety, security or privacy of another regardless of the relationship between the individuals. Harassment occurs when:
 - a. The conduct or communication of a harassing nature is repeated and has the purpose or effect of substantially interfering with an individual's employment or creates an intimidating, hostile or offensive employment or public service/accommodation environment.
 - b. The submission to the repeated harassing conduct is made a term or condition, implicitly or explicitly, of obtaining or retaining employment or of obtaining or retaining public

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services/accommodations.

c. The submission to the repeated harassing conduct is used as a factor in affecting that individual's employment or access to public services/accommodations.

2. Sexual/Gender Based Harassment: Unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, verbal or other communication of a sexual nature. It shall be a violation of this policy if the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action. In cases of Sexual/Gender Based Harassment, the department head must notify the Coordinator/Human Resource Department. (Mn Statute 363.01, subd. 10a).

C. Workplace: Any place where County business is being conducted. This includes but is not limited to offices, waiting areas, hallways, conference rooms, interviewing rooms, vehicles, out of court house sites and client homes.

III. RESPONSIBILITIES:

All employees, interns, volunteers, elected/appointed officials and other associates of the County, paid or unpaid, are responsible for maintaining a working environment free from violence and harassment. All employees, interns, volunteers and elected/appointed officials are expected to perform their duties professionally, including taking responsibility for decisions relating to their individual physical security.

IV. REPORTING:

Any person who believes he or she has been a victim of violence, threat of violence or harassment including violence, threat of violence or harassment based on race, national origin, sexual/gender, religion, disability, age, marital status, status with regard to public assistance or sexual orientation within the workplace or in the commission of their assigned duties shall take the following actions:

A. In regard to violence or the threat of violence, the person is required to immediately notify his/her

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supervisor.

1. The supervisor will respond promptly to the person's concerns including medical and emotional.
 2. The supervisor will assist the person with the completion of an incident report (Attachment A) and forward a copy to the department head and forward a copy to the appropriate law enforcement agency. Failure of the supervisor to forward such a report to the appropriate parties shall be grounds for disciplinary action.
 3. Within 24 hours of the violent incident, the department head, supervisor and staff will discuss and implement a plan to alleviate future/potentially unsafe and dangerous situations. See Attachment B.
- A. In regard to any form of harassment, the person is required to immediately notify his/her supervisor. The supervisor will immediately notify the department head. The department head, in consultation with the County Attorney's office, will determine whether referral for criminal investigation is appropriate.

In cases of Sexual/Gender Based Harassment, the supervisor will immediately notify the department head who must notify the Coordinator/Human Resources Department. Failure of the supervisor to forward such notification to the appropriate parties shall be grounds for disciplinary action.

In regard to any form of harassment:

1. If the aggrieved person feels comfortable in doing so, he/she should directly inform the person engaging in harassing conduct or communications that such conduct or communication is offensive to the aggrieved person, against County policy, and must stop.
2. The aggrieved person and offending person may wish to enter into mediation. This must be done with supervisory approval. The mediating parties will discuss and implement a written plan and agreement to alleviate the harassment. See Attachment C.

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Should the issue not be resolved by mediation, the matter will be referred back to the supervisor.

3. If the aggrieved person does not wish to communicate directly with offending person or if either party does not wish to enter into mediation or should the issue not be resolved by mediation, the supervisor will immediately contact the department head. The aggrieved person shall be asked to provide a written report to identify person(s) involved, description and date(s) of occurrence(s), witnesses, requested remedy, and other pertinent information.

If the offending person is the aggrieved person's supervisor, the aggrieved person should immediately contact the department head. If the offending person is the aggrieved person's department head, the aggrieved person shall contact the Coordinator/Human Resource Department.

Any attempts by the supervisor or department head to discipline or retaliate against the aggrieved person shall be reported to the Coordinator/Human Resource Department.

Submission of a good faith report by an aggrieved person shall not affect the person's future employment or access to public services or accommodations.

Reports processed under this policy will be handled as discreetly as possible, consistent with the County's legal obligations and the necessity to investigate allegations and take disciplinary actions when necessary.

V. INTERNAL INVESTIGATION

- A. Except in cases of suspected criminal conduct, upon receipt of a report of harassing conduct, the department head shall undertake or authorize an internal investigation to be conducted by County officials or a designated third party. In cases of suspected criminal conduct and in coordination and with the advice of the County Attorney, the department head shall undertake or authorize an internal investigation

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to be conducted by County officials or a designated third party. If the department head is named in a complaint, the Coordinator/Human Resources Department shall undertake or authorize an internal investigation to be conducted by County officials or a designated third party.

- B. The investigation may consist of personal interviews with the aggrieved person, the offending person and others who may have knowledge of the alleged incident(s) or circumstances. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether the alleged conduct constitutes a violation of this policy, the investigator should consider the surrounding circumstances, the nature of the behavior, past behavior, the relationships between the parties involved, and the context in which the alleged incident(s) occurred.
- D. The department head may take immediate steps to protect the aggrieved person and other employees or members of the public pending the completion of the investigation.
- E. The department head will make a written report which shall include a determination of whether the allegations have been substantiated as factual, whether they appear to be violations of this policy, and follow-up action to the allegations.

A copy of this report will be provided to the Coordinator/Human Resource Department. If the complaint involves the Coordinator/Human Resource Department, the report will be filed directly to the County Board.

VI. COUNTY ACTION

- A. The department head will take such action as appropriate based on the results of the investigation. In the event that a violation of this policy has occurred, disciplinary action may be taken.
- B. Consistent with the requirements of the Minnesota Government Data Practices Act, MN Statutes 13.01 et. seq., the results of the investigation will be made

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available to the aggrieved person.

VII. DISCIPLINE

Any county action taken against an individual pursuant to this policy shall be consistent with the requirements of:

- A. Applicable Collective Bargaining Agreements;
- B. County Policies;
- C. State and Federal Law.

The County will take such disciplinary action it deems necessary and appropriate, including verbal or written warnings, suspension, immediate discharge or other appropriate action to end violence and harassment and prevent its recurrence.

VIII. DISSEMINATION OF POLICY

- A. This policy shall be conspicuously posted in each County building in areas accessible to employees and members of the public.
- B. This policy shall be distributed to all employees upon its adoption and to all new employees upon hire.
- C. Individual County departments may write additional policy and procedures which address specific violence and/or harassment issues specific to that department. Department policy and procedures shall not supersede County policy and should be attached to the County Policy.

IX. TRAINING

The County will make training available to employees, interns, volunteers and elected/appointed officials. Training will cover subjects including but not limited to Violence Awareness and Prevention, Conflict Resolution and Sexual Harassment Awareness and Prevention.

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FLOWCHART OF EVENTS RE: VIOLENCE OR THREAT OF VIOLENCE

violence or threat of violence occurs



victim of violence or threat of violence immediately notifies supervisor



supervisor responds to victim's medical and emotion needs



victim and supervisor complete "Itasca County Personal Security Violence or Threat of Violence Incident Report"



supervisor forwards copy of Incident Report to department head and appropriate law enforcement agency

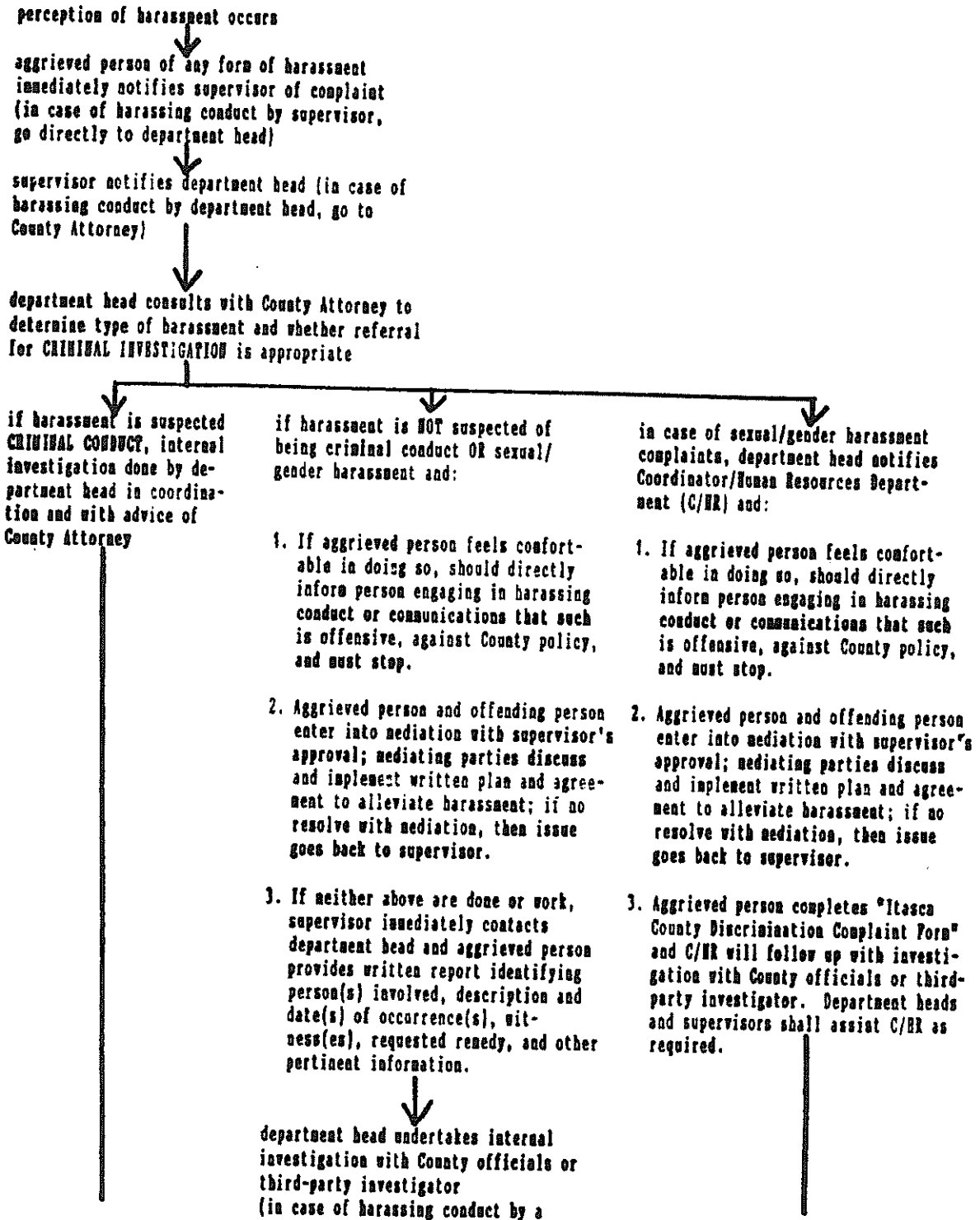


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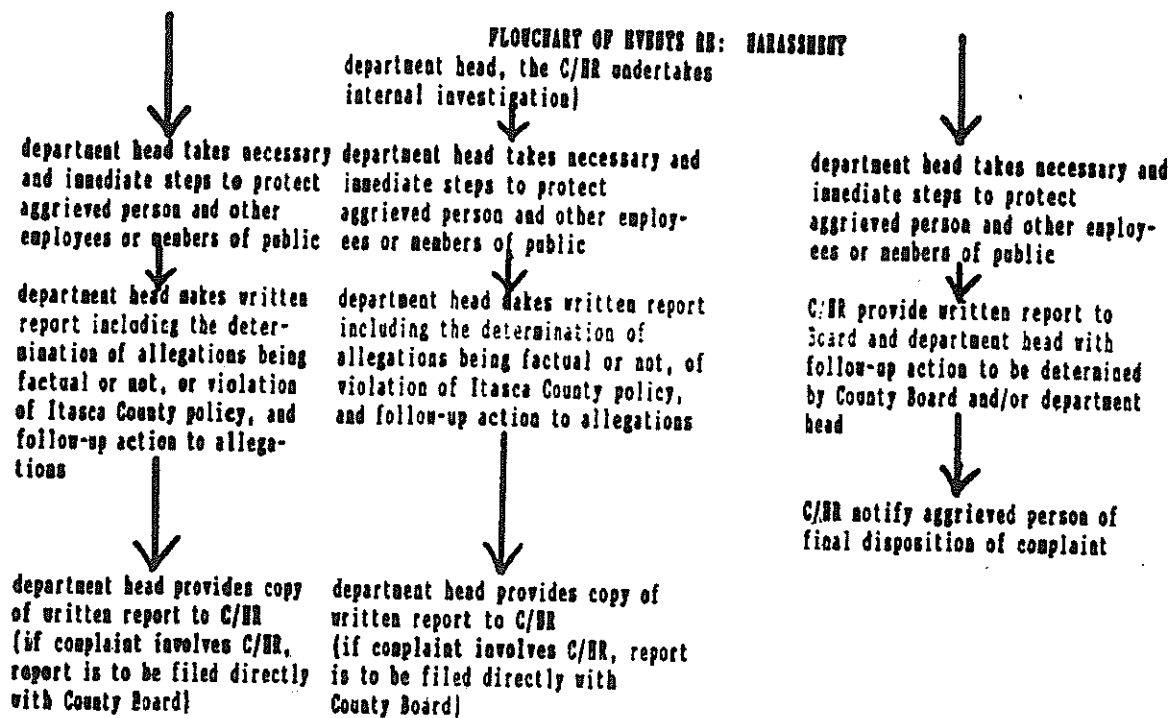
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