

02. PERSONNEL

2.24. Sexual Harassment

BOS Adopted – Jul 1, 2004

2.24.1. Guidelines Concerning Sexual Harassment. The following are guidelines concerning sexual harassment that the Equal Employment Opportunity Commission has set forth, and the county government has adopted and will abide by to ensure the proper recognition of what constitutes sexual harassment.

A. Sexual harassment includes:

1. Unwelcome sexual advances,
2. Request for sexual favors,
3. Other verbal or physical conduct of a sexual nature.

B. Such action constitutes sexual harassment when:

1. Submission to such conduct is made explicitly or implicitly a term of an employee's employment,
2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting such employee,
3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance, or creating an intimidating, hostile or offensive working environment.

C. In determining whether alleged conduct constitutes sexual harassment, the Personnel Department shall look at the record as a whole and at the totality of the circumstances such as:

1. Nature of the advances,
2. Context in which the alleged incident occurred.

D. The determination of the legality of a particular action will be made from the facts on a case by case analysis.

2.24.2. Sexual Harassment: Basic Principles

A. Sexual harassment should not be construed as an action particular to one gender.

B. A county employee experiencing sexual harassment is required to demonstrate a relationship between acceptance of the sexual harassment and the assurance of his or her job position.

C. Sexual harassment claims can be filed with the county administrator when sexual harassment actions result in an offensive, hostile, or intimidating working environment.

2.24.3. Criteria for Alleging Sexual Harassment

A. Verbal or visual sexual harassment are adequate grounds for initiation of a complaint to sustain a hostile environment, in those situations where the offensive conduct is frequent and abusive.

B. Sexual harassment conduct is not determined based upon whether participation was voluntary, but rather whether the conduct was unwanted. Unwelcome advances, therefore, are sufficient to justify a complaint under Title VII, if the activity or verbal comments interfere with the performance of the employee on the job by creating a hostile, offensive, or intimidating working environment.

C. Evidence regarding a complainant's dress or provocative discussions are admissible for some purposes when the county administrator reviews the alleged sexual harassment complaint.

D. Allegations of sexual harassment filed under Section R of this personnel policy shall in no way adversely affect an employee who files such allegations in good faith. An employee alleging sexual harassment shall not be subject to retaliation for doing so.

2.24.4. Consequences for Employees Engaging in Sexual Harassment. Those employees who engage in sexual harassment shall be advised orally and in writing that the county will not tolerate such conduct. If the offending employee continues to engage in sexual harassment, disciplinary action will be taken to correct the situation and will be dealt with under the guidelines of Section 9 (Discipline and Separations).

2.24.5. Employer Liability for Sexual Harassment. The county realizes that as an employer, it grants management authority to various personnel and that this authority often serves as a primary source in sexual harassment. As an employer, the county shall endorse and promote programs designed to reduce the probability of sexual harassment taking place within the organization. In addition, all administrators and supervisors shall be directed to monitor employee behavior to insure professionalism within all county departments.