

Sexual Harassment Prevention Policy



DEPARTMENT OF HUMAN RESOURCES

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Sexual Harassment Prevention Policy

Butte County Personnel Rule 4.5

A. General Policy

Protection from sexual harassment is provided for in Section 703 of Title VII of the Civil Rights Act of 1964. "Sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment may include, but is not limited to:

- Sexual conduct that is explicitly or implicitly made a term or condition of an individual's employment;
- An employment decision based on the submission to or rejection of a sexual advance;
- Conduct that interferes with an individual's work performance or creates an intimidating or hostile work environment;
- Negative employment decisions or conditions based on an individual's gender identity or sexual orientation.

The County of Butte is focused on the prevention of sexual harassment in the workplace. Therefore, this policy prohibits the above conduct, as well as all other inappropriate workplace behavior directed at someone because of that person's sex, gender identity, or sexual orientation, and behavior that is sexual in nature.

The following conduct violates this policy: (1) verbal conduct (including, but not limited to, slurs, jokes, insults, epithets, gestures or teasing), (2) graphic conduct (including, but not limited to, gestures, offensive posters, symbols, cartoons, drawings, computer displays, or e-mails), and (3) physical conduct (including, but not limited to, physically threatening another, blocking someone's way, etc.). Such conduct violates this policy, even if it is not unlawful. Because it is difficult to define unlawful sexual harassment, employees are expected to behave at all times in a professional and respectful manner.

B. Responsibilities of Employees and Supervisors

It is the responsibility of all employees to integrate the intent and philosophy of this policy into daily operations. The supervisor is responsible for creating a favorable working atmosphere for all employees, free from inappropriate, disrespectful, or unprofessional behavior.

The following actions shall be taken by supervisory personnel:

1. Express strong disapproval of inappropriate comments or acts by anyone related to the workplace in any way;
2. Develop sensitivity among staff to the rights of others;
3. Inform employees of their rights and of how to use the internal complaint process.

Additional action may be taken if indicated on a departmental basis to further educate employees about this policy. It is important to note the County of Butte and/or individual employees could ultimately be held legally accountable for acts of unlawful sexual harassment, regardless of whether the acts were authorized or forbidden by the County, and regardless of whether management knew or should have known of the acts.

C. Non-compliance with Policy

Immediate disciplinary action shall be taken against individuals determined to be in violation of this policy. No manager, supervisor, or employee shall take any retaliatory action against any employee, agent, or

volunteer in the services of the County for filing a complaint under this policy or cooperating in the investigation of such a complaint.

Individuals who believe this policy has been violated are encouraged to promptly file a complaint with the County of Butte's Civil Rights Compliance Officer, using the procedure described in Section 4.3e of the Personnel Rules. All complaints will be investigated as set forth in this procedure.

D. Internal Complaints

The County of Butte encourages all employees, whenever possible, to:

1. Communicate directly with anyone whose conduct is perceived to be in conflict with this policy;
2. Bring forth potential workplace issues early in order to prevent damaging and costly non-compliance.
3. An employee may choose to address a complaint under this policy with their department head or directly with the Civil Rights Compliance Officer (Human Resources Director or designee).

Any person filing an internal complaint under this policy shall use the following procedure:

If a person believes there is reason to file an internal complaint, the person may request a confidential informal meeting with the Civil Rights Compliance Officer to discuss the situation. The Civil Rights Compliance Officer or a designated representative shall meet with the person as soon as reasonably possible to discuss the complaint.

The County of Butte will promptly investigate the facts and circumstances of any claim this policy has been violated. To the extent possible, the County of Butte will endeavor to keep the reporting employee's concerns confidential. During the investigation, the County of Butte generally will:

- interview the complainant and the alleged wrongdoer
- conduct further interviews as necessary
- document the County of Butte's findings regarding the complaint
- document recommended follow-up actions and corrective action taken, if applicable
- inform the complainant and the alleged wrongdoer of the County of Butte's findings.

Every supervisor who learns of any employee's concern about conduct in violation of this policy, whether in a formal complaint or informally must immediately report the issues raised to senior management, respective department head or to the County's Civil Rights Compliance Officer. Any department head, when approached by an employee with a complaint, is required to report the complaint to the Civil Rights Compliance Officer (or designee). The department head shall consult with the Civil Rights Compliance Officer (or designee) to develop a plan for proceeding with an investigation and addressing the issues comprehensively.

Upon completion of the investigation, the County of Butte will take corrective measures against any person who has engaged in conduct in violation of this policy, if the County of Butte determines such measures are necessary. These measures may include, but are not limited to, counseling, suspension, or immediate termination. Anyone, regardless of position or title, whom the County of Butte determines has engaged in conduct that violates this policy will be subject to discipline, up to and including termination.