



# Medina County Policy Manual



Policy: <b>Harassment</b>	Section: <b>Work Rules</b>	Number: <b>7.030</b>
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- I. It is the policy of the Medina County Commissioners to maintain an environment free from all forms of discrimination, including gender-based discrimination due to sexual harassment. In order to maintain this environment, discriminatory harassment, whether committed by supervisors, co-workers, or members of the public, is strictly prohibited. The Medina County Board of Commissioners prohibits any improper conduct in all of its departments in order to maintain a quality working environment for all employees that is free from discrimination, intimidation, insult, ridicule, offensive physical or verbal abuse of a sexual, ethnic, racial, gender, age, disability, or religious nature.
- II. Personal Harassment - includes, but is not limited to, offensive racial, ethnic, physiological, age, disability, or religion-related, or gender-specific jokes, comments, or innuendoes, or any other verbal or physical conduct that reasonably could be construed as offensive in nature.
- III. Sexual Harassment is a violation of Section 703 of Title VII of the Civil Rights Act of 1964, and is defined as:

*"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, used as the basis for employment decisions affecting such individual, or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating hostile, or offensive work environment."*

- A. Sexual harassment -includes, but is not limited to:
  1. repeated unwanted and/or offensive sexual flirtations, advances, or propositions;
  2. repeated verbal abuse of a sexual nature;
  3. graphic or degrading verbal or written comments about an individual, the individual's appearance, or the individual's sexual orientation;

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4. the display of sexually suggestive objects, pictures, or the display of same through other media;
5. the implication or threat that an employee's or applicant's employment, assignment, compensation, advancement, career development, or other condition of employment will depend on the employee or applicant's submission to sexual harassment in any form;
6. any offensive, abusive, or unwanted physical contact.

B. Types of sexual harassment:

1. Quid Pro Quo occurs when there is submission to or rejection of unwelcome sexual conduct, either explicitly or implicitly, is used as the basis for employment decisions affecting such individual.
2. Harassment Causing a Hostile Work Environment is unwelcome sexual advances, or other sexually offensive conduct, that does not involve a specific reward or punishment, that unreasonably interferes with an individual's job performance, or creates an intimidating, hostile, abusive, or offensive working environment. Sexual Harassment can include, but is not limited to:
  - a. Verbal:
    - i. Sexual innuendo
    - ii. Suggestive comments
    - iii. Threats
    - iv. Insults
    - v. Obscene joke telling
    - vi. Unwelcome humor & jokes about sex or gender-specific traits.
    - vii. Sexual proposals
    - viii. Unwanted and repeated requests for association
  - b. Non Verbal:
    - i. a) Making sexual or suggestive or insulting noises
    - ii. b) Obscene gestures
    - iii. c) Whistling

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- iv. d) Leering
- v. e) Written or electronically transmitted messages and/or letters
- vi. f) Pictures, photographs
- c. Physical:
  - i. Touching
  - ii. Pinching
  - iii. Squeezing
  - iv. Patting
  - v. Coerced sexual activity
  - vi. Assault
  - vii. Repeated brushing against body

#### IV. Filing a Report of Harassment

- A. An employee believing they have been subjected to harassment, whether sexual or personal, shall be report in writing. This report should be completed as soon as possible after the date the alleged harassment occurred, but no later than thirty (30) days following the alleged incident.
  - 1. If the Director is the source of the harassment, the matter should be reported to the Director of Human Resources.
  - 2. If the Director of Human Resources is the source of the harassment, the matter should be reported to the County Administrator.
  - 3. If the County Administrator is the source of the harassment, the matter should be reported to the Director of Human Resources.
  - 4. If it is alleged that a member of the Medina County Board of Commissioners is the subject of the complaint, the complaint form should be sent to the County Administrator.
  - 5. A member of the general public (non-employees) alleged to have committed harassment against a county employee should be reported to the employee's supervisor and County Administrator.

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- B. Any employee who believes that he/she has been the subject of, or witness to, discriminatory harassment should immediately report the alleged act(s) to the next level of supervision not involved, i.e. their Director, the Director Human Resources, or the County Administrator.
- C. No employee is required to report such an incident to their immediate supervisor.
- D. It is a violation of this policy to retaliate in any way against any employee who complains of harassment.
- E. The employee alleging discriminatory harassment shall be asked to complete a written complaint form. The employee should provide:
  - 1. their name;
  - 2. the name of the subject of the complaint;
  - 3. the act(s) complained of;
  - 4. the date(s) of the act(s);
  - 5. any witnesses to the alleged acts; and
  - 6. the remedy the employee is seeking.
- F. If the employee alleging the harassment is unwilling to complete a written complaint, the form shall be completed by the person to whom the verbal complaint was made.
- G. The County will provide a reasonable level of confidentiality as prescribed by law upon the reporting of harassment

V. Investigation Procedure

- A. After the complaint form has been completed, the complaint will promptly be investigated.
- B. The investigation shall proceed in a discreet and reasonably timely fashion by using the following guidelines:

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1. The complainant shall be interviewed;
  2. The alleged harasser(s) shall be interviewed including disclosure of alleged allegations;
  3. Witnesses, if any, including persons to whom complaints have been made, shall be interviewed;
  4. Assistance may be requested from the County Prosecutor as needed.
  5. All relevant evidence shall be collected and weighed;
- C. If, after a thorough and prompt investigation, it is determined that harassment has occurred, the employee who has been found to have committed the harassment shall be subject to disciplinary action, up to and including termination. The complaining and/or reporting employee(s) will be informed of the results of the disciplinary procedure.
- D. If, after the investigation, it is determined that no discriminatory harassment occurred, or that there is insufficient evidence to determine whether or not discriminatory harassment has occurred, the complaining employee and/or reporting employee will be informed of same.
- E. If the situation cannot be resolved, the Director of Human Resources shall forward the complaint and results of the investigation to the County Administrator or County Prosecutor for further examination.

#### VI. Responsibility for Advocating this Policy

- A. It is the responsibility of all employees to aid the Board in maintaining a work environment free from any type of harassment. It is the responsibility of each employee, including supervision and management, to immediately report any instances of harassment to the proper authority. No employee shall initiate, engage in alone, or with others, or encourage another to violate any portion of this policy.
- B. An employee observing conduct that may constitute harassment of a co-worker, but fails to report same, may be subject to disciplinary action. Moreover, an employee who receives a complaint alleging conduct which may constitute discriminatory harassment of any County employee, but fails to report same, may be subject to disciplinary action.

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- C. It is further the responsibility of each supervisor to ensure that all employees are aware of the policy against discriminatory harassment, to ensure sufficient training is provided to maintain an environment free from harassment, that each newly hired employee will receive training of this policy as a part of their orientation.
- D. The Board shall ensure that its supervisors are sufficiently trained in recognizing discriminatory harassment, the complaint and reporting procedures, the proper methods of investigating complaints of discriminatory harassment, and the disciplinary procedure regarding discriminatory harassment.
- E. Supervisors and department heads are to report any such incidents coming to their attention to the Director Human Resources and provide oversight compliance of this policy as follows:
  - 1. To provide harassment awareness education.
  - 2. To participate cooperatively and honestly in all formal investigations of any harassment complaint.
  - 3. To monitor appropriate personnel action regarding any situation that violates this policy.

## VII. Penalties

- A. Employees are expected to cooperate during an investigation. If an employee hinders the investigation or fails to cooperate, they may be subject to disciplinary action. Likewise, any employee, who retaliates against another employee for filing a sexual harassment complaint, serving as a witness, or otherwise cooperating during an investigation, is subject to disciplinary action.
- B. False accusations of sexual harassment can have severe and long lasting effects upon innocent persons. The Board trusts and expects that each employee will act responsibly and support the Board's efforts to establish a pleasant working atmosphere that is free of harassment and discrimination.
- C. Violation of this policy is a "Failure of Good Behavior" (ORC 124.34). An employee found to be in violation of this policy, a Supervisor, or Department Head who knowingly permits violation of this policy without taking appropriate action shall be subject to disciplinary action up to and including dismissal.