

KEWAUNEE COUNTY SEXUAL HARASSMENT POLICY

1. STATEMENT OF POLICY.

1.1 It is the policy of Kewaunee County to maintain a working environment that is free from all forms of discrimination, including sexual harassment. It is against the policy of Kewaunee County and illegal under state and federal law, for any employee, male or female, to sexually harass another employee.

2. DEFINITION OF SEXUAL HARASSMENT.

2.1 Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

2.1A. Submission to that conduct is made either explicitly or implicitly a term or condition of employment;

2.1B. Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or

2.1C. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

2.1D. Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the above definitions:

2.1D1. Either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;

2.1D2. Touching or grabbing a sexual part of an employee's body;

2.1D3. Touching or grabbing any part of an employee's body after that person has indicated, or it is known, that such physical contact is unwelcome;

2.1D 4. Continuing to ask an employee to socialize on or off-duty when that person has indicated that she or he is not interested;

2.1D 5. Displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;

2.1D 6. Continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;

2.1D 7. Referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;

2.1D 8. Regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;

2.1D 9. Retaliation of any kind for having filed or supported a complaint of sexual harassment (such as, but not limited to ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering the person's duties or work environment, etc.);

2.1D 10. Derogatory or provoking remarks about or relating to an employee's sex or sexual orientation;

2.1D 11. Harassing acts or behavior directed against a person on the basis of an employee's sex or sexual orientation; or

2.1D 12. Off-duty conduct that falls within the above definition and affects the work environment.

2.2 Sexual harassment can also consist of intimidating, abusive or hostile behavior of a nonsexual nature toward an employee on the basis of gender. Verbal abuse and hostility that is not sexual in character but is directed solely at females because they are female, or males because they are male, for example, is likewise a violation of this Policy on the same level as harassment of a sexual nature.

2.3 Sexual harassment can also take the form of offensive conduct by nonemployees, such as vendors, outside contractors, and the like, against employees in the workplace.

3. COVERED EMPLOYEES.

3.1 This sexual harassment policy applies to all employees of Kewaunee County, including, but not limited to, full and part-time employees, permanent and temporary employees, employees covered or exempted from personnel rules or regulations, on or off-duty employees harassing another employee on or off-duty, employees working under contract for the city, and employees harassing nonemployees while the employee is on duty or in city uniform.

4. PROCEDURES FOR REPORTING SEXUAL HARASSMENT.

4.1 Any employee who feels subjected to sexual harassment should immediately contact one of the persons below with whom the employee feel comfortable. Complaints may be made orally or in writing to the employee's immediate supervisor or department head, any other department head, the County Clerk, the Chair of the County Board or the Corporation Counsel.

4.2 Although employees are encouraged to try to resolve disputes with the help of their immediate supervisor, employees have the right to circumvent the chain of command in selecting the person to whom to make a complaint of sexual harassment.

4.3 The employee should be prepared to provide the following information to the individual to whom a complaint of sexual harassment is made:

4.3A The employee's name, department and position title;

4.3B The name of the person committing the sexual harassment, including person's title, if known;

4.3C The specific nature of the sexual harassment, its duration, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment;

4.3D Any witnesses to the harassment; and

4.3E Whether the employee has previously reported such harassment and, if so, when and to whom.

4.4 The filing of a bona fide complaint or otherwise reporting sexual harassment will not adversely affect the individual's employment status or future terms and conditions of employment.

5. INVESTIGATION.

5.1 In the event the employer receives a complaint of sexual harassment, or otherwise has reason to believe that sexual harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed.

5.2 The employer is committed, and required by law, to take action if it learns of potential sexual harassment, even if the aggrieved employee does not wish to formally file a complaint. Investigation of complaints shall be done by an Investigative Committee, which shall be appointed by the Personnel Committee of the County Board from among the Department Heads. The Personnel Committee shall assure that the

Investigative Committee is gender balanced and composed of persons with skill and experience in conducting investigations, such as the Sheriff, Corporation Counsel, or Public Health Director, and shall be chaired by the Administrative Coordinator.

5.3 Every supervisor is responsible for promptly responding to, or reporting, any complaint or suspected acts of harassment. Supervisors should report to the County Clerk or to Administrative Coordinator. Failure by a supervisor to appropriately report or address such sexual harassment complaints or suspected acts shall be considered to be in violation of this policy.

5.4 Care will be taken to protect the identity of the complaining party and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation. It shall be a violation of this policy for any employee who learns of the investigation or complaint to take any retaliatory action that affects the working environment of any person involved in this investigation.

5.5 When an allegation of sexual harassment is made by any employee, the person to whom the complaint is made shall immediately prepare a report of the complaint and submit it to the County Clerk or to the Administrative Coordinator. The Clerk or Coordinator shall then assign the complaint to a member of the Investigative Committee, who may request assistance from other members of the Investigative Committee if necessary.

5.5 The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator in connection with the investigation. The notes shall be made at the time the verbal interview is in progress.

5.6 Upon the receipt of a complaint of sexual harassment, the investigator shall immediately:

5.6A Obtain a written statement[s] from the person complaining of sexual harassment that includes a comprehensive report of the nature of the sexual harassment complained of, and the times, dates and places where the sexual harassment occurred. The investigator shall orally question the person complaining of sexual harassment about any information in the written statement that is not clear or needs amplification.

5.6B Obtain a written statement[s] from witnesses that includes a comprehensive report of the nature of the conduct witnessed, and the times, dates, and places where the conduct occurred, and the conduct of the person complaining of sexual harassment toward the person against whom the complaint of sexual harassment was made. The investigator shall orally question witnesses about any information in their written statements that is not clear or needs amplification.

5.6C Obtain a written statement[s] from the person against whom the complaint of sexual harassment has been made. The investigator shall orally question the person against whom the complaint of sexual harassment has been made about any information in the written statement that is not clear or needs amplification.

5.6D Prepare a report of the investigation, that includes the written statement of the person complaining of sexual harassment, the written statements of witnesses, the written statement of the person against whom the complaint of harassment was made, and the investigator's notes connected to the investigation, and submit the report to the Investigative Committee.

5.7 The investigator may require any statement to be made under oath. When a statement is made under oath, it shall be substantially in the following form:

I, _____, hereby make oath under penalty of perjury and with full understanding that false statements will result in disciplinary action, including possible job termination, that the following is true:

[INSERT FACTS HERE]

Date-

Signature

5.8 Upon receipt of a report of the investigation of a complaint of sexual harassment against an employee, the Investigative Committee shall immediately review the report. The Investigative Committee may question the person complaining of sexual harassment, the person against whom the complaint of sexual harassment has been made, witnesses to the conduct in question or any other person who may have knowledge about the conduct in question. The Investigative Committee shall keep written records of the investigation in the same manner prescribed for the investigator. If the Investigative Committee finds the investigation report is adequate, a determination may be made as to whether sexual harassment occurred based on the report, subject to due process hearing rights.

5.9 Based on the report and the separate investigation, where one is made, the Investigative Committee shall, within a reasonable time, determine whether the conduct of the person against whom a complaint of sexual harassment has been made constitutes sexual harassment, subject to due process hearing rights. In making that determination, the Investigative Committee shall look at the record as a whole and at the totality of the circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred, and the conduct of the person complaining of sexual harassment. The determination of whether sexual harassment occurred will be made on a case-by-case basis.

6. SANCTIONS.

6.1 If the Investigative Committee determines that the complaint of sexual harassment is founded, the Administrative Coordinator shall take immediate and appropriate disciplinary action against the employee guilty of sexual harassment, consistent with her/his authority under the County Personnel Policy.

6.2 The disciplinary action shall be consistent with the nature and severity of the offense, the rank of the employee, and any other factors the Administrative Coordinator believes relate to fair and efficient administration of the County, including, but not limited to, the effect of the offense on employee morale and public perception of the offense, and the light in which it casts the County.

6.3 The disciplinary action may include demotion, suspension, dismissal, warning or reprimand. A determination of the level of disciplinary action shall also be made on a case-by-case basis.

6.4 Any disciplinary action shall be consistent with applicable collective bargaining agreements and the County Personnel Policy.

6.5 A written record of disciplinary action taken shall be kept, including verbal reprimands.

6.6 The victim of sexual harassment shall be informed of the nature of any disciplinary action taken.

6.7 The Administrative Coordinator may monitor future conduct of the parties involved in order to reasonably insure that the remedial action taken has been effective in stopping the harassment and that no retaliation has occurred.

7. APPEAL

7.1 Any individual aggrieved with the investigation, findings, or remedies pursuant to this Policy may assert any right of appeal contained in the applicable collective bargaining agreements or the County Personnel Policy.

8. NOTIFICATIONS.

8.1 This Policy will be distributed to all employees and Department Heads. The Policy shall also be included in any standard operating procedures manual of any Department. Every employee shall be required to certify that they have received a copy of this Policy. This certification shall be maintained in each employee's personnel file. The Statement of Policy shall also be permanently placed on all employee bulletin boards in every Department. It shall be a violation of this Statement of Policy to remove the Policy from any bulletin board or deface this Policy in any manner. Mandatory

training sessions on this Policy and the prevention of sexual harassment shall be held for all personnel during appropriate in-service training programs and orientation sessions.

9. EMPLOYEE RESPONSIBILITY

9.1 It is the duty of all employees, including supervisory personnel, to be familiar with this Policy. Each employee has a stake in preventing sexual harassment and thus shares responsibility for eliminating sexual harassment in the workplace.

9.2 No employee shall, in any way, retaliate, harass or discriminate against a person making a complaint of sexual harassment or involved as a witness or otherwise with a complaint of sexual harassment.

9.3 In most cases in which the sexual harassment is committed by a nonemployee against an employee in the workplace, the Department Head or Administrative Coordinator shall take whatever lawful action is necessary against the non-employee to bring the sexual harassment to an immediate end.

9.4 Employees are not only encouraged to report instances of sexual harassment, they are obligated to report instances of sexual harassment. Sexual harassment exposes the County to liability, and part of each employee's job is to reduce the County's exposure to liability.

9.5 Employees are obligated to cooperate in every investigation of sexual harassment. The obligation includes, but is not necessarily limited to:

9.5A Coming forward with evidence, both favorable and unfavorable concerning a person accused of sexual harassment;

9.5B Fully and truthfully making a written report under oath upon request; and

9.5C Orally answering questions when required to do so by an investigator during the course of an investigation of sexual harassment.

9.6 Employees are also obligated to refrain from making accusations of sexual harassment in bad faith.

9.7 Disciplinary action may be taken against any employee who fails to report instances of sexual harassment, or who fails, or refuses to cooperate in the investigation of a complaint of sexual harassment, or who files a complaint of sexual harassment in bad faith.