

SCIOTO COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

POLICY 3.04.20 PROHIBITION OF SEXUAL AND OTHER FORMS OF HARASSMENT

I. Prohibition Against All Forms of Harassment

- A. Harassment in the workplace by anyone is absolutely and strictly forbidden. The Board does not tolerate, and deals promptly and firmly with any type of harassment that occurs in the workplace.
- B. This policy sets forth the Board's position on reporting and investigation, employee protections and the consequences of harassment.
- C. The Board's policy and position on harassment of any type extends to not only day-to-day interactions at work, but also extends to Board-sponsored social events, and off-site activities.

II. Forms of Harassment

A. Sexual Harassment

It is against policy and illegal for any employee, male or female, to sexually harass another employee or candidate/applicant for employment by making unwelcome sexual flirtations, advances, or propositions or by creating an intimidating, hostile, or offensive working environment through verbal abuse or physical conduct of a sexual nature.

Furthermore, no one shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will affect, or have an adverse or positive impact upon that employee's job, evaluation, compensation, advancement, assigned duties, shifts, or any other condition of employment or career development.

1. Understanding Sexual Harassment

- a. The Board expects that all employees and management have a common understanding of what constitutes sexual harassment, so that this policy may be followed, administered and enforced as intended by the Board.
- b. To encourage and promote understanding, the Board will provide initial and follow-up training to employees on a periodic basis, so to regularly communicate the Board's position on the issue, promote understanding of what constitutes harassment, and to encourage staff to report incidences of harassment, without fear of reprisal.

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- c. All employees and supervisors are required to participate in periodic training, and to review and understand the provisions of this policy, including the general definition of sexual harassment as specified below.

2. Types of Sexual Harassment

Sexual harassment can involve co-workers, supervisors, managers, Board of DD members, officials or even the general public. A harasser can be male or female, and can include harassment of persons between opposite sexes or the same sex.

In general, there are two broad types of harassment that all employees are expected to understand. These examples are for illustrative purposes only, and are not all-inclusive. All forms of sexual harassment are prohibited, whether listed here or not.

- a. **Quid Pro Quo:** Harassment of this nature occurs when decisions regarding employment are promised, threatened or given, based upon whether or not an employee submits to sexually-motivated conduct. It occurs when an employee's acceptance or rejection of sexual conduct, or submission to sexual conduct is made, either explicitly or implicitly, as term or condition of that employee's employment. Examples include sexual favors in exchange for better working conditions, or threat of a discharge or other adverse employment action for failing to provide or submit to sexual favors.
- b. **Hostile Work Environment:** Sexual harassment also occurs when sexually-motivated conduct is unwelcome and creates an offensive, hostile and unpleasant working environment that interferes with an individual's work performance. Situations that cause a hostile work environment can be categorized as verbal harassment, non-verbal harassment, or physical harassment

B. Racial, Religious, Gender & Other Forms of Harassment

1. No employee shall harass another employee, member of the general public or other person, through conduct, words or action, based on that person's race, creed, color, age, religion, gender, national origin, handicap, disability, sexual orientation, political

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affiliation or other personal characteristic of the individual. Additionally, no employee shall harass another employee through conduct, words or action based on the employee's genetic information.

2. Verbal or non-verbal remarks or conduct that is offensive or objectionable to the recipient, or which interferes with the recipient's work performance is strictly prohibited. Included are innuendoes, slurs, threats, demeaning or disparaging remarks, names and language, or harassment that includes any type of physical threats or actions against an employee or other individual based upon that person's race, creed, color, age, religion, gender, national origin, handicap, disability, sexual orientation, political affiliation or personal characteristic of the individual or against an employee based on genetic information.
3. Harassment is also strictly prohibited as content in letters, notes, faxes, text messages and e-mail, or in the display of pictures, calendars, graffiti, cartoons, or other materials.
4. If an employee believes that s/he has been harassed because of race, creed, color, age, religion, gender, national origin, handicap, disability, genetic information, sexual orientation, political party or other personal characteristic, the employee is required to report the alleged incident in accordance with the steps specified for reporting incidences of sexual harassment.

C. Third Party Harassment

1. Sexual, racial and other forms of harassment can also involve a third party. Therefore, the Board strives to provide to its employees a work environment – free from unlawful discrimination and hostility – as it pertains to the working relationships between employees and persons who do business with the Board such as vendors, contractors, consultants, consumer family members, and others.
2. If an employee experiences unlawful discrimination or an unlawful hostile work environment in dealing with such non-employees doing business with the Board, the employee is required to so notify the Superintendent. If the employee reports the harassment to a supervisor or any person other than the Superintendent, that person shall so notify the Superintendent who shall be responsible for promptly investigating and appropriately resolving the

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problem. Appropriate resolution may include informing the violator of the problem, and ordering the violator to cease and desist the unlawful behavior. Repeated unlawful discrimination or harassment, or the continuation of creating an unlawful hostile work environment may result in the Board ceasing to do business with such person or firm.

III. Reporting Harassment

- A. Employees are required to report instances of harassment in accordance with the following provisions. If an employee believes that s/he has been harassed, s/he is required to report the alleged incident, as soon as possible after it occurs, to any one of the following persons.
 - 1. Any supervisor (director or team leader)
 - 2. Superintendent
 - 3. The Board President
- B. Complaints against the Superintendent should be reported to the Board President or County Prosecutor. Complaints against the Board President or any other Board of DD member shall be reported to the County Prosecutor.
- C. If a supervisor receives a complaint, the supervisor shall immediately so notify the Superintendent, or if the Superintendent is named in the complaint, the supervisor shall notify the Board of DD President and County Prosecutor.
- D. If an employee witnesses harassment of another employee or person, the witnessing employee is required to report the incident to one of the persons specified above.
- E. Any employee making a complaint shall be fully advised of his/her rights and responsibilities under state and federal regulations. No employee shall be the focus of retaliation or reprisals for filing a sexual harassment charge.
- F. Any employee falsely accusing another employee of sexual harassment will be subject to discipline, up to and including discharge.
- G. After exhausting local remedies, an employee who wishes to pursue a complaint made under this policy should contact the Equal Employment Opportunity Commission or Ohio Civil Rights Commission.

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IV. Investigations

- A. Upon receipt of a complaint, the Superintendent, or designee, will conduct an investigation in accordance with the appropriate written procedure. If the Superintendent is the subject of the complaint, the Board of DD President will conduct the investigation. If a Board of DD member is the subject of the complaint, the Prosecutor, or designee, will conduct the investigation. The person charged with conducting the investigation, may delegate this duty to an objective outside party.
- B. All reported incidents of harassment shall be investigated immediately and as confidentially and objectively as possible. The course of the investigation will be dependent upon the facts and circumstances of the allegation. The Board recognizes that determining whether a particular action or incident meets the definition of work-related harassment requires an investigation and consideration of all facts of the matter.
- C. During the course of the investigation, the employee, against whom the charge is made, may be placed on administrative leave with pay. Such leave may continue throughout the investigation, and up to its completion and resulting decision.
- D. The employee making the charge of harassment is expected to cooperate during the investigation, as well as any witnesses and other employees who are called upon to provide witness or testimony during the investigation. Employees are prohibited from hindering a harassment investigation in any manner.
- E. If, as a result of the investigation, it is established that the employee has been harassed, the employee, who committed the harassment, will be subject to appropriate disciplinary action, up to and including discharge for the first offense. A non-probationary classified employee shall be given a pre-disciplinary conference, prior to the making of the decision to discipline to provide due process and enable the employee to respond to the charges.

V. Assurance of No Retaliation

- A. Employees are encouraged to report, in good faith, incidences of sexual, racial or other forms of harassment. An employee is assured of no retaliation for filing a complaint made in good faith.

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- B. An employee, supervisor or other person who retaliates against another employee for filing a harassment complaint, serving as a witness, or cooperating during an investigation shall be subject to disciplinary action.

- C. The charge of workplace harassment is a very serious one, and therefore, any allegation of harassment made by an employee must always be made in good faith, and in consideration of that employee's honest assessment of the situation and facts. False accusations against innocent persons without basis in fact are as serious as the act of harassment itself, is strictly prohibited, and will subject the employee to disciplinary action.