

**SEXUAL HARASSMENT/DISCRIMINATION POLICY**  
**Adopted 9/9/03**

**1. PURPOSE**

The purpose of this policy is to:

- 1.1 Formulate a formal written County policy with respect to sexual harassment and discrimination.
- 1.2 Define and clarify proper procedures to be followed in the event of an incident of sexual harassment or discrimination and to communicate this to appropriate officials.
- 1.3 To maintain a quality work environment for all employees of Tuscola County so that they may work free from intimidation, humiliation, insult, or not be subjected to offensive physical or verbal abuse or actions, direct or insinuated, of a sexual, ethnic, racial or religious nature, the County Board of Commissioners for Tuscola County adopt the following policy against all forms of sexual, ethnic, racial, or religious harassment, otherwise defined as unwanted conduct.
- 1.4 It is the responsibility of the County Controller/Administrator and Board of Commissioners to implement this policy.

**2. POLICY**

- 2.1 Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964 and the Michigan Elliott-Larsen Civil Rights Act. It is the policy of the County of Tuscola that it will not tolerate harassment by any of its employees, vendors, customers and elected or appointed officials and such harassment is expressly prohibited.
- 2.2 Unwelcome sexual advances, requests for sexual favors and/or other verbal physical or visual conduct constitutes harassment when:
  - 2.2.1 Submission to the conduct is made either an explicit or implicit condition of employment;
  - 2.2.2 Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; or
  - 2.2.3 The harassment interferes with an employee's work performance, creates an intimidating, hostile or offensive work

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environment and/or it otherwise adversely affects an individual's employment opportunities.

2.3 Sexual harassment can occur in a variety of circumstances, including, but not limited to the following:

2.3.1 The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.

2.3.2 The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area or a co-worker.

2.3.3 The victim does not have to be the person harassed, but could be anyone affected by the offensive conduct.

2.3.4 Unlawful sexual harassment may occur without economic injury to or discharge of the victim.

2.3.5 The harasser's conduct must be unwelcome.

2.4 Sexual, ethnic, racial and religious harassment is an offense first against the people of Tuscola County and second an offense against the employee or group of employees. Offenses refer to physical, verbal or implied actions that have the purpose or effect of creating a hostile, offensive or intimidating work environment or has an ethnic, racial, religious or sexual basis, or both. Examples would include, but not are limited to: physical contact of a sexual nature, sexual, racial, ethnic or religious jokes, comments, insults, cartoons, innuendos or personal conduct or mannerisms that could be construed as offensive.

2.5 It is the County's position to take affirmative action to prevent such unwanted conduct from occurring and to deal with all such incidents in a fair, impartial and speedy manner. All complaints or incidences will be investigated on a case by case basis. Any employee believing that he/she is/has been a victim of sexual harassment or discrimination may contact the Controller/Administrator's Office to report the occurrence. In those incidences where a violation has been shown to have occurred, immediate action will be taken to remedy the situation and to prevent its reoccurrence.

It is each employee's responsibility to help eliminate all forms of harassment and unwanted conduct. It shall be each employee's responsibility to prevent such behavior from occurring within his/her work

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area and he/she shall report any occurrence that he/she has knowledge of.

2.5.1 In determining whether the alleged conduct constitutes harassment, the totality of the circumstances, the nature of the harassment and the context in which the alleged incident(s) occurred will be investigated. The individual(s) appointed by the County Controller to investigate complaints will have the responsibility of investigating and resolving complaints of harassment. Two staff persons and/or legal representatives (one male and one female) will be appointed to investigate and resolve complaints. The results of the investigation and any action taken will be communicated to the complainant.

2.5.2 Any employee found to have sexually harassed or unlawfully discriminated against another employee or to have retaliated against an employee for making a complaint of discrimination or harassment will be subject to discipline up to and including suspension or immediate dismissal.

2.6 Procedures for Investigation of Reports of Sexual Harassment or discrimination. The investigation will be conducted in accordance with the following procedures:

2.6.1 The investigation shall be conducted as expeditiously as possible after the complaint is made. Confidentiality will be observed as much as possible.

2.6.2 All persons who have knowledge regarding the complaint will be interviewed, including the person against whom the complaint has been made.

2.6.3 The parties involved in the complaint will be advised of tentative findings and conclusions of the investigation and will be given an opportunity to respond to the tentative findings and conclusions of the investigation.

2.6.4 In the event that the investigation concludes with a finding that corrective or disciplinary action is necessary, an appropriate recommendation will be made to the appropriate department head or elected official.

2.6.5 Upon notification of the conclusions of the investigation, any party involved in the complaint, upon request, will be granted a

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meeting with the appropriate department head or elected official and the investigator.

- 2.6.6 The investigation will commence immediately and will conclude within 30 days of receipt of the complaint, unless extenuating circumstances exist. If the investigation cannot be completed within 30 days, the investigator will notify the complainant of the reasons for the delay.