

**CALHOUN COUNTY  
BOARD OF COMMISSIONERS  
POLICY STATEMENT**

<b>SUBJECT:</b>  <b>HARASSMENT</b>	<b>DATE APPROVED:</b>  6/1/2023	<b>EFFECTIVE:</b> Immediately	<b>POLICY NO.</b> 326
		<b>REPLACES:</b> 326 Adopted 6/4/2015	

**POLICY STATEMENT:** Calhoun County complies with all applicable federal, state, and local laws governing harassment and does not tolerate any unlawful harassment that creates a hostile, oppressive, intimidating, offensive, or exploitive work environment. This policy applies to all employees, regardless of their position, clients, vendors, contractors, subcontractors, visitors, guests, or any other person doing business with Calhoun County. Unwelcome, harassing conduct will not be tolerated.

**HARASSMENT:** Harassment is any unlawful verbal or physical conduct that threatens, intimidates, or coerces an individual or conduct that creates a hostile, offensive, or intimidating environment. The following examples of unlawful harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Protected classes: race, color, religion, age, weight, height, sex, gender identity, gender expression, sexual orientation, pregnancy, national origin, genetic information, disability, marital status, veteran status, or other protected status
- Verbal harassment includes comments that are offensive or unwelcome regarding a person’s protected class including epithets, slurs jokes, songs, chants, and negative stereotyping.
- Nonverbal/Physical harassment includes inappropriate gestures, unwanted physical contact, mockery, or distribution/display of any written or graphic material that ridicules, degrades, insults, belittles, or shows hostility, aversion, disrespect, or interferes with work performance toward an individual or group based on their protected class

**SEXUAL HARASSMENT:** Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. When submission to or rejection of such conduct is used as the basis for employment decisions or such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment. There are generally two types of sexual harassment:

- “Quid pro quo” occurs when submission to or rejection of harassment is used as the basis for employment decisions or is a term or condition of employment. For example, compliance with or rejection of sexual advances that are directly linked to such things as employee benefits, raises, promotions, better working hours, termination, demotion, etc.
- “Hostile work environment” occurs when harassment unreasonably interferes with an employee’s work performance or creates an intimidating, hostile or otherwise offensive environment.

Harassment does not need to be of a sexual nature, however, and can include offensive remarks about a person's gender/sex. The harasser can be the victim's supervisor, a supervisor from another area, coworker, or someone who is not an employee of the County (e.g. client, customer). Sexual harassment may take different forms and the following list of sexual harassment examples are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats, suggestive or insulting sounds leering, discussing sexual relations/stories/fantasies, staring and requests for any type of sexual favor (this includes repeated, unwelcome requests for dates).
- Nonverbal/Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, exposing oneself, feeling pressured to engage with someone sexually, kissing, fondling, forced sexual acts, intercourse, or assault. It also includes obscene gestures, the distribution, display or discussion of any written or graphic material, including calendars, posters, and cartoons, content in letters and notes, facsimiles, e-mail, photos, text messages, tweets, and internet postings; or other form of communication that are sexual in nature and offensive.

#### **CONSENSUAL SEXUAL OR ROMANTIC RELATIONSHIPS AT WORK:**

Calhoun County prohibits romantic or sexual relationships between a manager or other supervisory employee and they/their staff (an employee who reports directly or indirectly to that person) because such relationships tend to create compromising conflicts of interest, exploitation, favoritism, and bias, such relationships may undermine the real or perceived integrity of the supervision and evaluation provided. These relationships are often less consensual than the individual whose position holds the power or authority believes. In addition, circumstances may change, and conduct that was previously welcome may become unwelcome and as being the result of coercion or intimidation resulting in quid pro quo sexual harassment scenarios. Such relationships may also have unintended, adverse effects on the climate of a department, thereby impairing the working environment for others – both during such a relationship and after any break-up.

If there is such a relationship, the parties need to be aware that one or both employees may be moved to a different department, or other actions may be taken. If any employee of Calhoun County enters into a consensual relationship that is romantic or sexual in nature that involves a supervisor and a member of their staff, they must notify the Human Resources Director immediately. Due to potential issues regarding quid pro quo sexual harassment, Calhoun County has made reporting mandatory. Failure to disclose the relationship in a timely fashion will itself be considered a violation of policy. The County understands that sexual or romantic relationships are often private in nature and the County treats such information sensitively and (to the extent practicable) confidentially.

Once the relationship is made known to Human Resources, the situation and facts will be reviewed, and it will be determined whether one of the parties needs to be moved to another job or department. If it is determined that one party must be moved, the individuals involved may decide who will be the one to apply for a new position. If the parties cannot amicably come to a decision,

the Human Resources Director shall make the decision. If it is determined that there are no other jobs are available for either party, the parties will be given the option of terminating their relationship or resigning.

**COMPLAINT PROCESS:** Calhoun County expressly prohibits any form of unlawful harassment. Individuals who believe they have been subjected to conduct prohibited by this policy, or who believe they have witnessed such conduct, should report their concerns to the Human Resources Director, or designee, immediately.

Any reported allegations of harassment will be investigated promptly by the Human Resources Director or designee. The investigation findings and a recommendation shall be reported to the Administrator/Controller or designee, along with Corporation Counsel, who will make a final decision on the appropriate course of action. If the matter involves an employee of an Elected Official, the Elected Official or designee shall be included in the investigation and decision-making process.

Violations of this policy shall result in disciplinary action, up to and including termination of employment. Retaliation against an individual for reporting harassment, or for participating in an investigation of a claim of harassment, is also prohibited conduct under this policy. Acts of retaliation should be reported immediately to the Human Resources Director and the investigation will be handled in the same manner as identified above. Substantiated claims of retaliation will be grounds for discipline up to and including termination of employment.

**OTHER RELATED POLICIES:** Policy #315 – Equal Employment Opportunity

This Policy can be amended or terminated at any time by the Board of Commissioners.