



ADMINISTRATIVE POLICIES

SECTION: 300 – Human Resources	POLICY#: 301
TITLE: Workplace Discrimination, Harassment, Sexual Assault, and Retaliation Prevention	R & O #: 20-10
	IMPLEMENTED BY PROCEDURE #: 301-A
SPONSORING DEPT/DIV: Support Services/Human Resources	
ADOPTED: 01/07/2020	REVISED: 01/07/2020

PURPOSE: The purpose of this policy is to (1) prohibit all forms of workplace discrimination, harassment, sexual assault, and retaliation; (2) define workplace discrimination, harassment, sexual assault, and retaliation, (3) establish procedures to create and maintain a work environment that is free of discrimination, harassment, sexual assault or retaliation, and (4) respond to reports of workplace discrimination, harassment, sexual assault or retaliation by conducting a timely and thorough investigation into complaints and taking appropriate action.

APPLICABILITY: This policy and the implementing procedures apply to all elected public officials, employees, volunteers, interns and contractors of Washington County (referred to collectively herein as ‘Staff’).

GENERAL POLICY: Washington County is committed to providing a work environment that is fair, civil and respectful of each person’s dignity and is free from all forms of discrimination, harassment, sexual assault or retaliation on the basis of race, religion, color, national origin, ancestry, disability, genetic information, use of protected leave, marital status, pregnancy, sexual orientation, sex, including gender or gender identity, or age.

DEFINITIONS:

- A. *Discrimination* – Appointing, demoting, disciplining, or taking any other type of adverse employment action due to a person’s actual or perceived race, religion, color, national origin, disability, marital status, pregnancy, sexual orientation, sex, including gender or gender identity, age or their genetic information, or use of protected leave.
- B. *Workplace Harassment* – Workplace harassment includes all unwanted offensive conduct that may affect an individual’s terms and conditions of employment. Workplace harassment also includes, but is not limited to, unwelcome conduct towards an individual based on their race, color, religion, sex (including pregnancy), sexual orientation, gender and gender identity, national origin, age, disability or genetic information. Workplace harassment may become unlawful when the unwelcome conduct is based on an individual’s protected class status and 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a

reasonable person would consider intimidating, hostile, or abusive. Depending upon the circumstances, a single act of harassment may be considered a violation of this policy. Types of Workplace harassment may include:

- 1) *Verbal Harassment* – Unwelcome epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments. Unwelcome verbal harassment may also include inappropriate comments on appearance, including dress or physical features, sexual rumors, code words, and derogatory stories.
 - 2) *Physical Harassment* – Physically impeding or blocking movement, leering, or the physical interference with another individual’s normal work, privacy or movement. Physical harassment also includes, inappropriate touching, pinching, patting, grabbing, or any other inappropriate gestures
 - 3) *Visual Forms of Harassment* – Includes, but is not limited to, any derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, notes, bulletins, drawings, images or pictures. Visual harassment includes both posted material and material maintained in or on County equipment or personal property in the workplace
 - 4) *Sexual Harassment* - Any unwelcome act or communication which is sexual in nature that is made an explicit or implicit term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.
- C. *Offensive Conduct* - Includes, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults, offensive objects or pictures, and intentional interference with work performance.
- D. *Retaliation* - Any adverse employment action taken because a person has, in good faith (1) initiated or pursued a complaint under this policy; (2) filed a complaint of discrimination, workplace harassment, sexual assault or retaliation with any outside agency; or (3) provided information, participated or assisted in an investigation of a complaint of discrimination, harassment or retaliation.
- E. *Adverse action* – Negative treatment or other detrimental employment actions taken because of an individual's involvement in a discrimination, workplace harassment, sexual assault or retaliation complaint or in an investigative process related to such a complaint. Individuals that are protected from retaliation include (1) those who make good faith reports that workplace harassment, discrimination, sexual assault or retaliation occurred; (2) those who are accused of workplace harassment, discrimination, sexual assault, or retaliation; (3) those who are associated with individuals who report workplace harassment, discrimination, sexual assault or retaliation; or (4) those who participate in the Complaint Reporting and Response Procedures associated with this policy.
- F. *Sexual Assault* – Any unwanted touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party.

RESPONSIBILITIES

The Human Resources Division is responsible for working collaboratively with Directors, managers and supervisors to develop and have the County Administrator approve Administrative Procedures to implement this policy. In addition, the Human Resources Division will work with Directors, managers and supervisors to (1) monitor the workplace for compliance with the policy; (2) determine the appropriate course of action upon receiving a complaint; (3) determine the process for conducting a review or investigation into allegations; and (4) to recommend appropriate responses to findings following a review or investigation.

Managers and supervisors are required (1) to monitor the workplace to ensure that behavior of staff complies with this policy and that the workplace is free of discrimination, harassment, sexual assault, and retaliation; (2) to be knowledgeable of and enforce this policy; (3) to provide an annual reminder of the contents of this policy to their subordinate employees; (4) to provide for training for all employees; (5) to immediately report any reported or suspected violation of this policy to their manager or to Human Resources; (6) to work collaboratively with Human Resources to determine the appropriate course of action when an allegation is reported; and (7) to ensure that any complaint that is brought to their attention is investigated and responded to in a timely, fair and impartial manner in accordance with the approved procedures associated with this policy.

Employees are responsible for (1) reading, understanding and complying with the provisions of this policy; (2) treating employees and members of the public equitably and with dignity and respect; (3) making all reasonable efforts to prevent inappropriate behavior from occurring in the workplace; (4) providing all relevant facts related to alleged conduct prohibited by this policy and responding fully and truthfully to all questions posed during any investigation; and (5) maintaining absolute confidentiality with respect to investigations conducted pursuant to this policy by not disclosing the substance of any investigatory interview, except as directed by the department head, division head, or Chief Human Resources Officer.

Managers, supervisors and all other employees are prohibited from (1) retaliating against any employee who experiences or witnesses, and reports, conduct that constitutes discrimination, harassment, sexual assault, or discrimination against a member of a protected class; (2) discriminating in providing benefits to an employee or dependent of the employee based upon the employee's membership in a protected class; and (3) denying health insurance or health care benefits to an employee or a dependent of an employee based solely on the employee's gender identity or the gender identity of the employee's dependent.

Individuals are strongly encouraged to make good faith reports of potential violations of this policy by using procedures described in the Administrative Procedures that correspond to this policy (301-A).

DISTRIBUTION: This policy shall be disseminated to all managers, supervisors and employees of Washington County. Any questions, concerns, or comments related to this policy should be directed to the Chief Human Resources Officer or his/her designee.

TRAINING: The County will make available and encourage Staff to attend workplace discrimination, harassment, and retaliation prevention training programs.

IMPLEMENTATION: Observance of and adherence to this policy is mandatory for all County employees. Violation of this policy may result in disciplinary action up to and including termination.

PERIODIC REVIEW: This policy shall be reviewed by the County Administrative Office at least every three years, or more often if needed, and updated as necessary.