

Category: 300

Number: 322

Subject: **SEXUAL AND OTHER UNLAWFUL DISCRIMINATORY HARASSMENT POLICY**

1. PURPOSE: The purpose of this policy is to:
  - 1.1 Formulate a formal written County policy with respect to unlawful discrimination and sexual harassment; and
  - 1.2 Define and clarify proper procedure to be followed in the event of an incident of unlawful discrimination and/or sexual harassment and to communicate this to County employees and officials.
2. AUTHORITY: The Saginaw County Board of Commissioners.
3. APPLICATION: The rules and regulations herein set forth apply to all employees paid by Saginaw County, pursuant to Policy #301. It also applies to County vendors, suppliers, contractors, consultants, people doing business in County offices and visitors.
4. RESPONSIBILITY: The County Controller/CAO shall be responsible for the implementation and administration of this policy.
5. DEFINITIONS: NONE
6. POLICY: Saginaw County is committed to providing a working environment where all employees are treated with dignity and respect. Sexual harassment and other forms of unlawful discriminatory harassment will not be tolerated by Saginaw County, regardless of whether committed by or directed towards co-workers supervisors, vendors, suppliers, contractors, consultants, people doing business in County offices and visitors. The following details what type of conduct is prohibited and the actions that should be taken when harassment is encountered.
  - 6.1 SEXUAL HARASSMENT: Harassment on the basis of sex is a form of discrimination which is illegal and expressly prohibited by Saginaw County.

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes harassment when:

- 6.1.1 Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- 6.1.2 Submission to or rejection of the conduct by an individual is used as the basis for an employment decision affecting such individual, or
- 6.1.3 Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

6.1.4 Examples of possible sexual harassment include, but are not limited to:

- Verbal sexual comments, including comments about gender specific traits, innuendos, insults, slurs, negative stereotyping or jokes, unwanted requests for dates or other advances and questions about an individual's personal life.
- Non-verbal sexual gestures, leering or staring.
- Visual displaying of sexual pictures, writings or objects including the use of technology or social media.
- Physically inappropriate touching or blocking someone's movement.
- Threats, threatening or insinuating reprisal for refusing sexual demands or conduct.

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

- 6.1.5.1 The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee (i.e. vendor, temporary employee).
- 6.1.5.2 The victim does not have to be the person harassed but could be anyone impacted by the offensive conduct.
- 6.1.5.3 Unlawful sexual harassment may occur without economic injury to or discharge of the victim.

6.2 OTHER DISCRIMINATORY HARASSMENT: Other forms of unlawful discriminatory harassment are also prohibited. Conduct that exhibits hostility or lack of respect towards an individual or group because of race, religion, color, national origin, age, disability, sex (including pregnancy), sexual orientation and gender identity, height, weight, marital status, military status, arrest record, citizenship or immigration status or genetic information or any other protected class status as designated by Federal or State law will not be tolerated.

As with sexual harassment, this behavior may take a number of forms including but not limited to the display or printed or graphic material, slurs, gestures, joke and physical acts.

## 7. ADMINISTRATIVE PROCEDURES:

7.1 REPORTING: An employee who believes that he/she has been subject to sexual or other unlawful discriminatory harassment (based on any other protected class/classification as designated by Federal or State law) shall notify the Personnel Division immediately, and in any event within thirty (30) calendar days of the incident(s) in order for accurate facts, conclusions, and disciplinary actions to be made regarding the report. The Personnel Division will provide the employee with a Discrimination/Harassment complaint form, a copy of which is attached to this Policy. If the individual has reason to

not report the matter to Personnel, they may also report it to the Controller or to their Department Head. An employee who was witness to but not the target of the harassment may also file a complaint.

All management and supervisory personnel will be responsible for the immediate reporting of any occurrence they may witness or of which they are informed. Management and supervisory personnel are required to speak to the alleged victim regarding the incident(s), provide them with a copy of the Policy and complaint form and should themselves report the matter to Personnel. Likewise, if a manager or supervisor has reason to not report the matter to Personnel, they may also report it to the Controller.

The Discrimination/Harassment complaint form must be completed in detail as soon as possible so that the County will have adequate notice of and be able to investigate any claim of sexual or other discriminatory harassment. This form must be completed in order to trigger an official investigation of any claim.

Failure to complete the form constitutes a waiver by the employee of any right to an investigation of said claim by Saginaw County. However, when an employee does not complete the form or otherwise requests that no formal action be taken, administrative discretion may still be used to determine if further action and an investigation is necessary.

7.2 INVESTIGATION: Upon receipt of a complete and signed complaint form, the County will complete a thorough investigation of the matter detailed in the complaint. The Controller at his/her discretion, will designate individual(s) to investigate complaints; this could include County employees or third party investigators who are not County employees. To the extent possible, the investigation will be conducted in a manner to protect the privacy of the individuals involved and the confidentiality of the complainant. However, no employee is promised strict or absolute confidentiality. It may be necessary to disclose information contained in the written complaint or that is learned during the investigation to others participating in the investigation or the alleged harasser to allow for a complete investigation and to allow the alleged harasser the opportunity to defend himself or herself. All employees are expected to cooperate in any such investigation. Failure to fully cooperate may result in disciplinary actions, up to and including termination.

The County takes all reports of harassment seriously. All employees are expected to bring violations to the County's attention in good faith. If an investigation into the complaint reveals it was frivolous or not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information.

At the conclusion of the investigation, a determination will be made as to the appropriate resolution of the matter. The determination will be reported to the complainant. If the investigation establishes that harassment or other inappropriate conduct has occurred, appropriate corrective action will be taken. Responsive action would be taken at the County's discretion and could include (but not be limited to) the following: counseling, verbal or written warning, demotion, suspension, reassignment, transfer, or termination of employment.

7.3 OFF DUTY CONDUCT: The Sexual and Other Unlawful Harassment Policy generally applies to conduct between employees which has an adverse impact on the workplace or work environment. Conduct between employees that occurs outside of the workplace may also have workplace impact or contribute to a hostile work environment and may be considered when enforcing this policy.

7.4 RETALIATION: Any act of retaliation against an employee who in good faith filed a complaint, cooperated in an investigation or testified to fact regardless of the outcome is strictly prohibited. Any employee guilty of retaliation of any kind shall be subject to disciplinary action up to and including discharge. Allegations of retaliation will be processed in accordance with section 7.1 and 7.2, above.

7.5 IMPLEMENTATION OF POLICY: The Saginaw County Sexual and Other Discriminatory Harassment Policy will be communicated to all County employees.

7.5.1 Scope. Nothing contained within this policy shall be construed to limit in any way the remedies, legal or equitable, which are available to the County or any other person for the prevention or correction of sexual and other discriminatory harassment.

8. CONTROLLER/CAO LEGAL COUNSEL REVIEW: The Controller/CAO has determined that this policy as submitted to the Board of Commissioners contains the necessary substance in order to carry out the purpose of the policy. County Civil Counsel has determined that this policy as submitted contains content that appears to be legal activities of the Saginaw County Board of Commissioners.

Approved as to Substance:

Approved as to Legal Content:

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Saginaw County Controller/CAO

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Saginaw County Civil Counsel

ADOPTED: April 23, 2002

AMENDED: February 16, 2010; August 16, 2022

**DISCRIMINATION/HARASSMENT COMPLAINT FORM**

NAME: \_\_\_\_\_

DEPT. HEAD \_\_\_\_\_

Describe the alleged incident in detail, including the date upon which the incident occurred; the identity of the individual who committed the act of harassment and/or unlawful discrimination; the approximate time when the incident occurred; the acts which you believe constituted unlawful discrimination and/or sexual harassment, including any verbal acts; your response or reaction; and any other details which will assist the Personnel Division in its investigation:

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Have you reported this incident to anyone else?       Yes       No

Have you been subjected to similar acts of harassment and/or discrimination by the same employee(s) in the past?       Yes       No

If Yes, did you report the prior incident(s)?       Yes       No

Signature \_\_\_\_\_

Date \_\_\_\_\_