

Category: 300

Number: 322

Subject: **DISCRIMINATION AND SEXUAL HARASSMENT POLICY**

1. PURPOSE: The purpose of this policy is to:
 - 1.1 Formulate a formal written County policy with respect to discrimination and sexual harassment; and
 - 1.2 Define and clarify proper procedure to be followed in the event of an incident of 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.
4. RESPONSIBILITY: The County Controller/CAO shall be responsible for the implementation and administration of this policy.
5. DEFINITIONS: NONE
6. POLICY: Sexual harassment and unlawful employment discrimination will not be tolerated by Saginaw County. The management of Saginaw County will actively investigate every complaint of unlawful discrimination and sexual harassment. It is the duty of every employee to cooperate in any such investigation, and it would constitute a serious infraction of County policy to retaliate against or penalize an employee for asserting a claim of discrimination or sexual harassment. 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 sexual harassment will be subject to discipline, up to and including suspension or immediate dismissal.
 - 6.1 Harassment on the basis of sex is a form of sex discrimination which is illegal and expressly prohibited by Saginaw County. Sexual harassment may include requesting sexual favors in exchange for an enhancement of employment conditions, or penalizing or threatening to penalize an employee in their employment unless sexual favors are granted. Sexual harassment also consists of any unwelcome behavior or conduct of a sexual nature which causes or creates discomfort and/or interferes with job performance. Such conduct would include, but is not limited to, unwelcome touching or other bodily contact, the making of unwelcome sexual advances, the display or reference to pornographic, sexually explicit or offensive materials in the work place, the use of sexually provocative or offensive language, unwelcome inquiry into the private life of another employee, or any other unwelcome conduct of a sexual nature.

Such activity is not only illegal but also detracts from the businesslike and professional image which Saginaw County expects its employees to project. Racial and sexual harassment also includes the leaving of racially and sexually derogatory messages within common areas of the workplace.

7. ADMINISTRATIVE PROCEDURES:

7.1 An employee who believes that he/she has been subject to unlawful discrimination based on race, religion, color, national origin, age, sex (including pregnancy), height, weight, marital status, disability, genetic information or any other protected class/classification as designated by Federal or State law or sexual harassment, shall notify the Personnel Division immediately who will provide the employee with a Discrimination/Harassment complaint form, a copy of which is enclosed with this Policy. This 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 unlawful discrimination or sexual harassment. This form must be completed in order to trigger an investigation of any discrimination or harassment claim. Failure to complete the form will be considered by Saginaw County to be an admission by the employee that the claim of unlawful discrimination or sexual harassment is totally without merit and constitutes a waiver by the employee of any right to said claim.

7.2 Implementation of Policy. The Saginaw County Discrimination and Sexual Harassment Policy will be communicated to all County employees.

7.2.1 All newly hired employees will be informed of the policy, reporting procedures, and consequences of violation, as a part of the County orientation practices.

7.2.2 The Controller shall designate two (2) County staff persons, one male and one female, to receive, investigate and resolve complaints.

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:
Saginaw County Controller/CAO

Approved as to Legal Content:
Saginaw County Civil Counsel

ADOPTED: April 23, 2002
AMENDED: February 16, 2010

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 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:

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 _____