

Unlawful Workplace Harassment Policy

I. DISCUSSION

A. What is unlawful workplace harassment?

Harassment on the job because of sex, race, religion, age, national origin, or disability is in violation of state and Federal laws and will not be tolerated. Harassment may take the form of physical or verbal conduct, which may lead to, among other things, intimidation, aggression, hostility, or unequal treatment. These unwelcome activities create a disruptive work environment and are in violation with the County's policy.

Workplace harassment, other than sexual, is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color, religion, gender, national origin, age, disability or political affiliation, which has the purpose or effect of creating an intimidating, hostile, or offensive work environment or interferes with an individual's work performance or otherwise adversely affects an individual's employment opportunities.

Unlawful harassment including sexual harassment of an employee or client/ consumer by another employee or outside party affects morale, motivation, and job performance. It is inappropriate, offensive, and illegal and shall be reported. Harassing conduct includes, but is not limited to: epithets, slurs, negative stereotyping or threatening, intimidating or hostile acts. Additionally, written or graphic material, which denigrates or indicates hostility or aversion toward an individual or group is prohibited from display on the employer's premises or circulation in the workplace.

B. What is Sexual Harassment?

Sexual harassment, according to the Equal Employment Opportunity Commission, falls into two (2) distinctive categories: (1.) **Hostile Environment** and (2.) **Quid-Pro-Quo**.

1. **Hostile Environment:** Creating a workplace or work atmosphere that causes any employee to feel uncomfortable in their workplace because of their gender. Examples of the hostile environment type range from inappropriate pictures, calendars, cartoons, comments, and unwanted/unwelcome behavior from any coworker, supervisor, or visitor in the workplace that is gender-based. Gender-based protection extends protection to female employees from male or female employees and visitors. Protection is also extended to male employees when gender-based harassment comes from female employees, visitors, and male employees. It should be noted that same sex sexual harassment has no requirement that any of the parties involved be homosexual or that is a lesser offense because of being the same gender. Sexual harassment is a control or power issue, not a sex issue in the majority of cases.

2. **Quid-Pro-Quo:** Something for something. In other words, offering, suggesting, promising, or insinuating, that for sexual favors or attention there will be or can be rewards. Rewards could be a raise, a better job, less work, etc. for the victim. Also, the threat, suggestion, promise, or insinuation that a raise, promotion, etc. will be withheld or refused if there is no sexual favor or attention given.

Sexual harassment is a complex problem in the work place that is difficult to define. Contributing to the difficulty of defining sexual harassment as a form of prohibitive sex discrimination in employment is a wide range of behaviors associated with it. Sexual harassment may take the form of overt actions against the victim, to the more subtle forms which are more difficult to perceive and define. The key element in defining sexual harassment is that regardless of the form of behavior it takes, it is unwelcomed by the victim.

Sexual harassment behavior ranges from physical contact, to verbal abuse, visual signals, or messages. The more subtle forms of harassment usually are in the form of remarks about an employee's clothing, body features, or sexual activities. An escalating form of behavior is unwanted physical contact, such as touching, patting, pinching, or purposely brushing against the employee's body. The more blatant forms of sexual harassment are more obvious to detect. These are usually accompanied, either explicitly or implicitly, with some term or condition of employment or a retaliation measure if the employee does not comply. It may also be the more hostile behavior such as sexual assault and even rape.

Sexual harassment may be practiced by women and men. Historically, as numerous surveys and case law point out, most of the violations occur by male employees against female employees. Common elements of all definitions of sexual harassment is behavior which is:

- unwanted, uninvited, or unwelcomed
- coercive
- abusive
- objectionable or offensive

Any and all of the above are prohibited by the Alexander County Government Personnel Policy and should be reported immediately.

C. Who Are the Sexual Harassers?

Most surveys done on the topic and recent case law indicates that most sexual harassment complaints are brought by women against men. It should be clear that sexual harassment is discrimination based on sex regardless of whether it is a man or a woman who is the perpetrator or the victim. There are no sexual harasser stereotypes. They cut across all class lines and come in all races, ages, shapes,

sizes, and personalities. They may be one-time offenders or what have been called "relentless repeater." The following are some statements which help describe who are sexual harassers:

- Most employees are sexually harassed by persons of the opposite sex.
- Most harassers act alone, rather than in concert with another person.
- Most harassers of women are older than their victims, and most harassers of men are younger.
- Most harassers have been reported to have bothered more than one person at work.
- Most harassers are supervisors of their victims, or exercise some other form of authority or power. There may be situations where a peer or subordinate person in the organization may harass another.
- Most harassers work within the same work unit as the victim. There may be situations where the harasser works in a different unit in the organization.
- Most harassers are employees of the organization in which the victim works. However, harassers may also be visitors to the organization, such as, its agent, delivery people, and people conducting other official or non-official business at the organization.

Perception is a key factor contributing to the complexity of the sexual harassment problem. Some employees may believe they have been harassed, when in fact they have not been. On the other hand, harassers may not realize they are committing acts of sexual harassment. The problem of perception raises a number of provocative questions about interpretations concerning sexual harassment which depend upon how the individuals involved view the situation in question.

Sexual harassment case law has established that the existence of an employer's policy on the subject does not absolve the employer or its manager and supervisors from liability under Title VII and communication of policy to all employees. Many recent decisions have stated that the courts look upon the effective implementation, communication to all employees, and the enforcement of the policy by managers and supervisors as a key criterion in establishing liability. It is the responsibility of each manager and supervisor not only to communicate the policy of the County of Alexander, but also to ensure that a sexually discriminatory work environment does not exist and that co-workers are not sexually harassed. The failure to maintain the harassment free work environment and the failure to seriously respond to complaints of sexual

harassment significantly contribute to the decisions on a supervisor's liability for their acts, or the acts of employees who are violating the policy.

Employee awareness of the policy that prohibits sexual harassment in any form and how employees can report such activity is a major factor in determining whether the employer is properly addressing sexual harassment. Quick, proper response to complaints of sexual harassment claims is vital to maintaining a workplace free of all gender-based activities. This also affords the Alexander County Government to take swift appropriate action to correct the problem

II. SUPERVISORS GUIDELINES FOR PREVENTING AND DEALING WITH UNLAWFUL HARASSMENT

Prevention is the best tool for the elimination of unlawful harassment. As a supervisor, you are not only responsible for your actions, but those of others. We are all responsible for assuring a work environment free of unlawful harassment. We are responsible for assuring that our employees are not unlawfully harassed by other employees and non-employees such as agents, vendors, customers, and citizens. It is our responsibility to take immediate and appropriate corrective action in response to unlawful harassment.

These guidelines will assist you in preventing sexual harassment and living up to your supervisory responsibilities.

A. Sensitizing Yourself and Employees

Publicize the unlawful harassment policy at staff meetings, "tail-gate" meetings, and one-to-one talks. Express your strong support for the policy and disapproval of behavior that is interpreted as harassment.

Remind employees periodically of:

- The policy
- Definitions and guidelines for identifying behavior
- How and to whom to report a complaint
- The investigation process
- Management's commitment to prevention or appropriate corrective action
- Available training
- The negative effects on the organization (service delivery, wasted resource, staff time, absenteeism, tardiness, turnover and personal conflict.)

B. Complaint Report Procedure

Supervisory personnel are responsible for handling complaints immediately, seriously, and discreetly. If you feel you need assistance, you may want to contact your Human Resource Director. Questions of policy interpretation and/or recommendations for proper corrective action can be discussed. This not only includes making sure that the identities of the parties concerned are kept

confidential and being discreet, but also making an effort to assure that the work unit environment remains free of gossip and innuendo. Unlawful harassment is an emotionally charged issue. The employee making the complaint may bring any of a variety of feelings to the meeting with the supervisor. These range from confusion, to embarrassment, to hurt, or anger. Remember to:

- Listen to the complaint without making judgements and be patient.
- Lay aside your own prejudices or opinions and seek out the facts in any complaint(s).
- Do not over-react. (This emotional reaction sometimes tends to influence the objectiveness of the investigation.)
- Do not make judgmental remarks about the employee filing the complaint(s). (Such as references about their dress or about their actions which may imply that they are to blame.) Objectivity, sensitivity, fairness, seriousness are the keys to handling complaints.

You have a duty to handle all complaints of sexual harassment, and to assist in remedying all valid complaints. Those responsibilities are specifically:

- Consider each sexual harassment incident or complaint on a case-by-case basis.
- Be sensitive to the employee's embarrassment, discomfort, anger, fear, or emotional duress.
- Treat all information received with confidentiality.
- Report the complaint immediately to the County Manager or his/her delegate employee.
- Ask for assistance from Human Resource Department if you feel it will help in handling the problem.

A complaint may be handled in a variety of methods, depending on the seriousness of the conduct. In accepting a complaint of unlawful harassment, keep in mind that the best information is often obtained as soon as possible after the alleged incident. Determine the specifics of the incident by seeking the answers to the following basic questions. Be sure to write down as much detailed information as you can obtain.

- What did the accused person do that was unsolicited and unwelcome?
- What are the specific details, who was involved, where and when did it occur?

- What were the specific comments made or action taken? It is important to use the victim's own words about the comments or conduct which occurred.
- Were there any witnesses?
- How did the victim respond to the harasser? Did he or she tell them that the behavior was unwelcome?
- Has this type of behavior involving the accused person occurred previously?
- Have other employees been harassed by the alleged harasser?
- How does the aggrieved person want to resolve the situation?
- Was there any benefit denied in connection with the alleged harassment? Was anything negative done in connection with the alleged harassment?
- Were there any threats of retaliation made?

C. Investigating A Complaint

The County Manager is the person designated by the County to be investigator of complaints of unlawful harassment. The County Manager may delegate the investigation to another County employee at his/her discretion. In the event the unlawful harassment complaint is against the County Manager, the investigator shall be a County employee appointed by the County Attorney.

Any person receiving a complaint of unlawful harassment has the responsibility of immediately notifying the County Manager or his designated representative, or the Human Resource Director. Department Heads and Supervisors shall make available any employee for interviews and present any documents required by the investigator.

D. Taking The Appropriate Corrective Action

After reviewing the facts of the investigation, the County Manager shall take immediate and appropriate disciplinary action against any employee who engages in unlawful harassment, consistent with his/her authority under the County charter, ordinances, and regulations pertaining to employee discipline.

The disciplinary action shall be consistent with the nature and severity of the offense, the rank of the employee, and any other factors the County Manager believes relate to fair and efficient administration of the County, including, but not limited to, the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the County. The disciplinary action may include demotion, suspension, dismissal, warning, or reprimand. A

determination of the level of consistent, unbiased disciplinary action shall also be made on a case-by-case basis. A written record of disciplinary action taken shall be kept, including verbal reprimands. All documents relating to the complaint, investigation, and resolution shall be maintained in the Human Resource Department files.

Confidential documentation at every step of the process from initial report through the corrective action is the key for any defense by the County Government at a hearing, trial, or EEOC investigation.

E. Avoiding Charges of Sexual Harassment

The following are general guidelines that should serve as "rules of thumb" to supervisors in regard to acceptable conduct in the work place or on duty. Generally speaking, supervisors should:

- Keep their hands to themselves. Avoid uninvited touching of the opposite sex.
- Do not talk about sex on the job.
- Never discuss sexual or intimate aspects of their lives. Keep compliments casual and impersonal. Frequent personal comments may become suspect.
- Avoid jokes, words, phrases, and gestures with sexual connotations. A good rule of thumb is, do not tell sexual jokes, and do not engage in sexual innuendo.
- Do not assume a friendly employee is attempting to be anything other than friendly with you. Do not read into any type of friendly behavior anything other than what it is - friendly.
- Keep in mind that each employee has "personal space". If you are observing, their body language will tell you when you are too close to that space. Persons generally will display some type of defensive body language; such as, pulling away, ducking their head, crossing their arms, turning to the side, appearing uncomfortable or nervous, will avoid eye contact, will maintain a rigid body position, will fidget with objects or furniture which is available.
- Avoid being alone with an employee when you suspect seductive behavior towards you. Deliver instructions in public places or with the door open.
- Sensitize and be ready to prevent sexual harassment when integrating employees into non-traditional jobs and work environments.

- Be certain that no inappropriate materials, pictures, cartoons, etc. are displayed in your department.

III. EMPLOYEES GUIDELINES FOR PREVENTING AND DEALING WITH UNLAWFUL HARASSMENT

Employees who become victims of harassment usually undergo serious psychological reactions to the incident. Initial reactions may range from confusion to questioning one's self as to whether they are actually being harassed, or perhaps just perceiving they are being harassed. Reactions may include surprise and anger about the incident.

A. Confronting A Harasser

It is important for employees who may be victims of harassment to be aware of a few things. The following are given as examples of things that you should keep in mind if you believe that you are being harassed.

- Recognize the harassing behavior for what it is.
- Trust your own feelings about what is occurring.
- Do not blame yourself.
- Do not ignore the behavior, this will seldom resolve the situation or make the behavior go away. Instead, the harasser may perceive your ignoring the behavior as behavior that will initiate harassment that is more blatant.
- Do not be silent; this behavior may be perceived by the harasser and others that you do not mind the behavior. This may serve to have the harasser's behavior become more blatant.
- **REMEMBER THAT THE ALEXANDER COUNTY GOVERNMENT HAS A POLICY WITH TOTAL MANAGEMENT SUPPORT.**
- You have a right and a responsibility under this policy to say "No," "Stop," or "I don't appreciate being treated this way."
- Tell the harasser the behavior is not welcome. Be sure to tell the harasser specifically what behavior is not welcome.
- Do not argue with the person about their motives. If confronted, the typical harasser may joke about it, may say that you misunderstand their behavior, that you are overreacting, or that you cannot take a joke.

- Do not feel that you have to justify your right to dislike the behavior. Simply say, "I understand what you are saying or doing, and I want you to stop the behavior". Again, specify "the behavior". Continue to repeat yourself until you are sure that the person is listening and is seriously responding to what you are saying. Do this especially when the reaction of the harasser is to say that "they are joking" or that "you misunderstood".
- Seek your support system, whether it is from friends or co-workers. Do this especially if you are uncomfortable with telling the harasser that their behavior is unwanted, or if you are uncomfortable about reporting the incident to management. Ideally (and this may be difficult), have one or more of your friends or co-workers be present when you tell the person to stop his or her behavior.
- If the opportunity exists, take direct action when the incident occurs. Attempt to have your co-workers witness the incident, if not your reaction to it.
- Report the incident to your supervisor, your supervisor's supervisor, (if he or she is the harasser), or other people in the organization about the harassment incident. Explain what you want to be done to resolve your complaint. If you feel your supervisor is not responding to your complaint seriously, go to his or her supervisor or other people in the organization until the matter is seriously addressed.
- Keep a record. Document all incidents or harassment, when, where, what specifically was said or occurred, any witnesses, your response. Keep any other forms of evidence which may be used in an investigation, such as letters, notes, pictures, etc.
- Many times the employee can be the best deterrent to unlawful harassment. If you are not able to communicate the seriousness of your objection and intent to the harasser, take certain steps that will send a clear message to the harasser, such as, writing a letter. This letter should include the specific behavior that occurred, and when it occurred, a statement by you that you want it stopped, and a statement that you will take formal action with management if the behavior is not stopped. Sign the letter, attempt to personally deliver the letter to the harasser, ideally in front of witnesses, keep a copy for yourself.

Talk to your co-workers and other employees to establish a support group. In many situations, you will find that these people may have experienced the same type of behavior by the harasser and may serve as witnesses. If the harassment continues, report your complaint to any of the available sources listed in the County's complaint procedure.

B. Reporting Unlawful Harassment Behavior

The County's policy provides that any employee who believes that they are being unlawfully harassed, or who has taken measures to stop the harassment but has been unsuccessful, may report a complaint with any of the following:

- The employee's immediate supervisor.
- The employee's department head.
- The County's Human Resource Office.
- The County Manager.
- The County Attorney.

When you decide you want to make a report, contact whomever you feel comfortable with. When an unlawful harassment behavior reaches an intolerable level, take the following steps in reporting your complaint.

- Record the specific comments or behavior that occurred, and when it occurred, (often the specific information is to the point and may be embarrassing, however, it is very important).
- Report when the incident occurred, where it occurred, if there were witnesses, if you are aware of any other employees experiencing the same harassment as you and any other evidence such as, letters, notes, pictures, etc., which contribute to the incidents. Have records of what the offender said or did if you put them on notice. Have a record of exactly what you said or did if you put them on notice. Have a record of exactly what you said or did to the offender in an attempt to prevent or stop the behavior. Record the reactions to your comments.
- If possible, let your co-workers know the harassment is taking place so that they are aware of the situation and may offer you support. Remember that as an employee who believes that you have been harassed, you have a responsibility to assist management in the timely and proper resolution of your complaint. If you are prepared to provide management with the above information, it will go a long way in getting to the source of the problem and appropriately resolving it to your and management's satisfaction.

C. What Next?

Most complaints will not be solved easily, or overnight. Complaints will be given top priority and handled immediately, but an investigation will have to be conducted. All complaints will be forwarded to the County Manager to handle the investigation. The County Manager may delegate the investigation to another County employee at his/her discretion. An investigation requires interviews, you, the accused, coworkers, supervisors, and any witnesses. Additional interviews may be conducted regarding the circumstances. This can be time consuming. However, it must be done in order to be fair to all concerned and to establish the

facts. The County Manager or his/her delegate employee assigned to the investigation will keep you informed periodically of what is happening in the investigation.

Even after you have made a report, write down any other incidents that occur during the investigatory process. Note the date, time, what occurred, and if there were any witnesses. This information will aid in an investigation and serve as additional evidence.

If you feel you are being retaliated against after you have made a report, contact the person who handled your initial report -- retaliation is also against County policy and will not be tolerated.

THE COUNTY MANAGEMENT IS COMMITTED TO QUICKLY AND FAIRLY DEALING WITH EACH INDIVIDUAL CASE OF UNLAWFUL HARASSMENT THAT IS REPORTED. There are outside agencies where you can report a complaint, however, the County asks and encourages you to report sexual harassment to the County's internal process.

D. Employees Subject to State Personnel Act (SPA)

Employees in SPA positions have additional options to present a harassment complaint to the Office of State Personnel through the Office of Administrative Hearings as long as the complaint is submitted within 30 days of any decision made by the county in reference to a harassment complaint.

E. Confidentiality

The confidentiality of your reported complaint is very important. Your supervisors and investigator are responsible to assure that it be known only to those involved in resolving the complaint.

You may feel the need to talk to someone, but confidentiality is very important. Talking to the wrong people may result in your situation becoming widely discussed. In some situations, it may also be detrimental to the investigation process. Use your discretion.

F. Support System

You have a number of resources to help you through a difficult time. Be aware of and use the following support systems:

1. Employee Assistance Program

- Call on them immediately so it can be incorporated as part of the investigation procedure (with your permission).
- They will provide counseling, support, advocacy and "how to" on:

Preventing "Second Injury"

- Victim's perceived rejection from family, friends, and "system"
- Feeling of powerless and betrayal
- Helping reduce self-blame and restore power
- Keeping victim informed of progress of case, sit in on interviews, court support

2. County Manager or his/her designated employee

- Insure your complaint will be investigated properly
- Arrange for protection from police when necessary
- Arrange for counseling through Employee Assistance Program

3. Outside Support

- Clergy
- Family and friends
- Other counseling agencies
- Other victims

G. Avoiding Harassment Behavior

The following serve as guidelines and may not be totally applicable in certain work environments. Some work environments are more liberal or conservative than others; keeping in mind that in each of those, there are people with varying degrees of personal and professional ethics, perceptions, etc. The following serve only as things that may be advisable in minimizing your chances of being sexually harassed. Where appropriate, use your discretion.

- Conduct yourself in a professional, mature, and responsible manner.
- Be aware that "friendly" may be perceived by others as "flirtatious". This is an area that you as an individual will have to determine as you evaluate the individuals and your particular work environment.
- Avoid extremes of dress, rightly or wrongly. Society perceives certain forms of dress as "advertisement". As with the previous guideline, the dress should

be professional and appropriate to the work environment. Tight slacks or trousers may be wrongly interpreted by some individuals in the work force. You should base your own wardrobe on comfort, convenience, and appropriateness.

- If approached with a request for a date or proposal, try to make your refusal calm, unmistakable, impersonal, and final. Be assertive, but not aggressive or belligerent. Aggression or humiliation may trigger an attempt at retaliation or punishment by some individuals.
- Try not to appear as a victim. Indignation, confusion, and crying are perceived as victim reactions, and may be triggers to continue the harassment. Talk to the harasser, person-to-person, remind them of their behavior as prohibitive and unwanted and that you will take the appropriate actions to have it stopped.
- Very aggressive or hostile incidents of sexual harassment are to be reported immediately. Fondling, leering, threats, lewd comments, and other less serious forms of harassment are those that can easily escalate if you do not put the harasser on notice. You are strongly encouraged to report any incident of very aggressive or hostile behavior or attitude.

IV. UNLAWFUL HARASSMENT POLICY

COUNTY OF ALEXANDER

1.0 PURPOSE

Unlawful harassment, including sexual harassment, either physical or verbal, is a violation of the law and of County policy. The intent of this policy is to clarify the County of Alexander position in matters relating to compliance, discovery, and remedy.

2.0 POLICY

It is the intent of the County of Alexander to maintain a work place free of unlawful harassment from any source in any form. This policy affirms the County's refusal to tolerate unlawful harassment; informs managers, supervisors, and other employees of performance expectations, guidelines and possible penalties to unlawful harassment; and provides procedure for employees to follow who believe that they have been harassed.

3.0 DEFINITIONS

Sexual harassment falls into two (2) distinct categories:

- 3.1 **Hostile Environment:** Creating a workplace or work atmosphere that causes any employee to feel uncomfortable in the workplace due to their gender.
- 3.2 **Quid-Pro-Quo:** This a promise, threat, or suggestion that if an employee does “something for me” then “I will do something for you” or if you don’t “do something for me” then I will not “do something for you”. Any promises, threats, or suggestions that are based on gender are illegal and contrary to the policy of the Alexander County Government.

Sexual harassment is defined as unsolicited and unwelcomed sexual advances or unsolicited and unwelcomed requests for sexual favors, or other unsolicited, unwelcomed verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, or
- C. Such conduct has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment.
- D. Such conduct has the effect of creating a mentally and/or emotionally stressful workplace or work environment.

The definition of sexual harassment includes conduct directly by men toward women and conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women.

Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity to physical assault. Some example are unsolicited and unwelcomed conduct in the form of pinching, grabbing, patting, propositioning; making either explicit or implied job threats or promises in return for submission to sexual favors; making sex-oriented comments on appearance, including dress or physical features; telling sexually explicit stories; displaying sexually explicit or pornographic material, no matter how it is displayed; or sexual assaults on the job by supervisors, fellow employees, or others. When response to any of the foregoing conduct influences employment decisions or makes the job environment hostile, or unreasonably interferes with work performance, this policy has been violated.

4.0 COVERAGE AND DISTRIBUTION OF POLICY

This unlawful harassment policy applies to all officials and employees of the County of Alexander, including, but not limited to, full and part-time employees, elected officials, permanent and temporary employees, employees covered or exempted from personnel rules or regulations, and employees working under contract for the County.

All county employees will be made aware of this policy, and the policy is available on the county's website and from the Human Resource Department. Adherence to this policy is a condition of employment with Alexander County. Department heads and supervisors shall be responsible for insuring that all employees under their direction are familiar with this policy.

Training will be provided for supervisors and department heads on how to adequately communicate this policy to employees under their leadership. Further, this training will equip supervisors and department heads to properly respond to questions about sexual harassment.

5.0 MAKING UNLAWFUL HARASSMENT COMPLAINTS

As with any job-related complaint, the County encourages following the chain of command where possible. However, due to the personal nature of unlawful harassment and the County's strong opposition to unlawful harassment, any employee who feels he or she is being subjected to harassment can complain to any one of the persons below, verbally or in writing:

1. The employee's immediate supervisor
2. The employee's department head
3. The County's Human Resource office
4. The County Manager
5. The County Attorney

Regardless of which of the above persons the employee makes a complaint of harassment to, the employee should be prepared to provide the following information:

1. Employee's name, department and position title
2. The name of the person or persons committing the harassment, including their title(s), if known
3. The specific nature of the harassment, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against you as a result of the harassment, or any other threats against you as a result of the harassment.
4. Witnesses to the harassment
5. Whether you have previously reported such harassment and, if so, when and to whom

If you so desire, you may use the sample reporting form attached.

6.0 REPORTING AND INVESTIGATING OF UNLAWFUL HARASSMENT COMPLAINTS

6.1 Against An Employee, Including The County Manager

The County Manager is the person designated by the County to be the investigator of complaints of unlawful harassment. The County Manager may delegate the investigation to another County employee at his/her discretion. In the event the harassment complaint is against the County Manager, the investigator shall be a County employee appointed by the County Attorney.

When any employee makes an allegation of harassment, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the County Manager, or in the event the harassment complaint is against the County Manager, to the County Attorney.

The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator, the person against whom the complaint of unlawful harassment was made, and any other person contacted by the investigator in connection with the investigation. The notes shall be made at the time the verbal interview is in progress. The sample investigation report form attached may be used.

Based upon the report, the County Manager shall within a reasonable time, determine whether the conduct of the person against whom a complaint of harassment has been made constitutes unlawful harassment. In making that determination, the County Manager shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred, and the conduct of the person complaining of sexual harassment. The determination of whether sexual harassment occurred will be made on a case-by-case basis.

If the County Manager determines that the complaint of harassment is legitimate, he/she shall take immediate and appropriate disciplinary action against the employee guilty of unlawful harassment, consistent with his authority under the County charter, ordinances, rules, or regulations pertaining to employee discipline.

The disciplinary actions shall be consistent with the nature and severity of the offense, the rank of the employee, and any other factors the County Manager believes relate to fair and efficient administration of the County, including, but

not limited to, the effect of the offense on employee morale, public perception of the offense, and the light in which it casts the County. The disciplinary action may include demotion, suspension, dismissal, warning, or reprimand. A determination of the level of disciplinary action shall also be made on a case-by-case basis.

A written record of disciplinary action taken shall be kept, including verbal reprimands. In all events, an employee found guilty of unlawful harassment shall be warned not to retaliate in any way against the person making the complaint of harassment, witnesses, or any other person connected with the investigation of the complaint of harassment.

6.2 Against The County Manager

Upon receipt of a report on the investigation of a complaint of unlawful harassment against the County Manager, the County Attorney shall present the report to the Board of Commissioners. If the Board of Commissioners determines that the complaint of unlawful harassment is legitimate, it may discipline the County Manager consistent with its authority under the County charter, ordinances, resolutions, or rules governing discipline of the County Manger.

6.3 Against An Elected Official

The Board of Commissioners may discipline an elected official in whatever manner it deems appropriate, consistent with its authority under state law, the County charter, resolutions or other rules governing discipline of elected officials.

6.4 Unlawful Harassment Committed by Non-employees

In cases of unlawful harassment committed by a non-employee against a County employee in the work place, the County Manager shall take all lawful steps to insure the harassment is brought to an immediate end.

In cases of a vendor, supplier, or contractor doing business with the County, notification shall be sent to the employer detailing the problem of the harassment incident. Included in the report to said employer shall be a statement that such unacceptable behavior must cease immediately or the company will risk loss of the County's business.

6.5 False Claims

All claims of unlawful harassment will be taken seriously and will be investigated to the fullest extent. Any employee who believes they are the victim of harassment or believes they have witnessed harassment is required to report the harassment immediately. As noted in this policy, legitimate unlawful harassment will be met with appropriate disciplinary action. However, if claims are found to be false *and* filed solely for malicious intent, the accuser may then face disciplinary action. This section is in no terms intended to discourage legitimate unlawful harassment complaints, but is intended to offer employees some degree of safety from “character assassination.”

7.0 OBLIGATION OF EMPLOYEES

Employees are not only encouraged to report instances of unlawful harassment; they are obligated to report instances of harassment. Unlawful harassment exposes the County to liability, and a part of each employee's job is to reduce the County's exposure to liability.

Employees are obligated to cooperate in every investigation of unlawful harassment, including, but not limited to: coming forward with evidence, whether favorable or unfavorable to a person accused of harassment, and fully and truthfully answering questions during the course of an investigation of unlawful harassment.

8.0 CONFIDENTIALITY

All employees shall maintain confidentiality about complaints in order to protect the parties involved, and information shall not be shared with anyone other than those involved in the investigation. All records placed in the personnel file are protected by the guidelines established in Section 160A-168 of the General Statutes of North Carolina.

**UNLAWFUL HARASSMENT
EMPLOYEE COMPLAINT FORM**

Name: _____ Job Title: _____

Department: _____

STATEMENT OF COMPLAINT

Name(s) of Person(s) Accused of Wrong Doings (Include title, if known)

Description of Incident. State the specific nature of the harassment, how long it has gone on, and any employee action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against you. Describe any other threats made against you.

Have you previously reported such harassment and, if so, when and to whom:

Employee Signature: _____

Date: _____ Time: _____ A.M./P.M.

Complaint submitted to: (check one)

Immediate Supervisor _____ Dept. Head _____ Personnel Office
County Attorney _____ Other

Signature of persons receiving complaint: _____

Date: _____

**UNLAWFUL HARASSMENT
INVESTIGATIVE REPORT**

Employee's name making the complaint _____

Statement of Employee (unless written, attach copy of complaint)

Name of Accused: _____

Date and time of discussion with accused: _____

Statement of Accused: _____

Statement of Witness(es): (Include name, date and time of discussion-use additional sheets if necessary) _____

Summary of Findings:

Signature of Investigator _____ Date: _____