

Stark County Board of Developmental Disabilities

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POLICY AGAINST HARASSMENT

POLICY

Harassment on the basis of race, color, religion, sex, national origin, disability, age or ancestry of any person is a violation of the 1964 Federal Civil Rights Act and ORC Chapter 4112. It is the policy of the Stark County Board of Developmental Disabilities that harassment in the workplace will not be tolerated. Complaints of harassment will be consistently investigated in a timely manner. Employees who violate the Board policy prohibiting unlawful harassment or employment discrimination based upon race, color, religion, age, gender, national origin, disability, veteran's status or any other legally protected characteristic are subject to disciplinary action and possible discharge from employment.

Definitions

Harassment: Conduct whether verbal, nonverbal, or physical constitutes harassment if it is based on a person's protected status and creates an intimidating, hostile, or offensive work environment that unreasonably interferes with work performance or negatively affects an individual's employment opportunities.

Sexual Harassment: Any unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

There are two types of sexual harassment:

Quid Pro Quo

Hostile Environment

Quid Pro Quo sexual harassment occurs when an individual's submission to or rejection of sexual advances or conduct of a sexual nature is used as the basis for employment decisions affecting the individual, or the individual's submission to such conduct is made a term or condition of employment.

Hostile Environment sexual harassment occurs when unwelcome sexual conduct unreasonably interferes with an individual's job performance or creates a hostile, intimidating or offensive work environment even though the harassment may not result in tangible or economic job consequences, that is; the person may not lose pay or a promotion.

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Examples of Prohibited Conduct Include, But Are Not Limited to:

1. Threats or insinuations, implicit or explicit, that any employee's refusal to submit to sexual advances will adversely affect the employee's retention, evaluation, wages, promotion, duties or any other condition of employment;
2. Unwelcome physical contact including, but not limited to: assault, advances, flirtations, touching, pinching, patting or cornering;
3. Continued or repeated verbal or written abuse of a sexual nature including, but not limited to: propositions, lewd comments, sexual insults, graphic verbal comments about an individuals' body, and sexual comments of a provocative or suggestive nature;
4. The display in the workplace of sexually suggestive objects or pictures;
5. Use of derogatory terms that denote a particular racial, ethnic, disability, gender, religious or age group;
6. Jokes, slurs or other remarks that disparage racial, ethnic, disability, gender, religious or age groups;
7. Verbal abuse or insults of a racial, ethnic, disability, gender, religious or age-related nature;
8. The display in the workplace of objects, pictures, posters, magazines, cartoons, or other materials that negatively portray any particular racial, ethnic, disability, gender, religious or age group.

The conduct portrayed in the above examples is not all-inclusive, but only illustrative.

False Accusations

No employee shall willfully bring forth or threaten to bring forth a false accusation of sexual harassment or other forms of harassment or discrimination contemplated solely to damage, harm, "get even with," or otherwise intimidate a co-worker, supervisor, or manager. Where the results of an investigation reveal that a complainant falsely accused another person of harassment knowingly or in a malicious manner, the complainant will be subject to an appropriate disciplinary action.

Retaliation

The Stark County Board of Developmental Disabilities will not fire, demote, harass or otherwise "retaliate" against an individual for filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination. The laws that prohibit discrimination based on race, color, sex, religion, national origin, age, and disability, as well as wage differences between men and women performing substantially equal work, also prohibit retaliation against individuals who oppose unlawful discrimination or participate in an employment discrimination proceeding.

Retaliation against an employee who engages in filing a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes discrimination, is strictly prohibited. In addition to the protections against retaliation, it is also unlawful for any employee who has complained or participated in a complaint regarding harassment to be subject to coercion,

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intimidation, threat, harassment, or interference. Retaliation occurs when an employer takes an adverse action against a covered individual because he or she engaged in a protected activity.

An adverse action is an action taken to try to keep someone from opposing a discriminatory practice, or from participating in an employment discrimination proceeding. Examples of adverse actions may include:

- Employment actions such as termination, refusal to hire, and denial of promotion
- Other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references, increased surveillance, or any other action such as an assault or unfounded civil or criminal charges
- Any conduct against or toward an employee that is likely to deter reasonable people from pursuing their rights

The registering of a complaint that is not frivolous will not be used or held against the employee, nor will it have an adverse impact on the complainant's employment status. A frivolous complaint is one that serves merely to harass or maliciously injure another person or is without any justification under the law.

Any employee who violates this section is subject to disciplinary action, up to and including termination.

| Historical Resolution Information | | Reviewer(s): |
|-----------------------------------|--------------------------|-----------------------------|
| Date | Resolution Number | Director of Human Resources |
| 11/10/99 | 11-183-99 | |
| 3/23/13 | 03-24-13 | |
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PROCEDURE

1. All employees of the Stark County Board of Developmental Disabilities are responsible for ensuring that discriminatory, harassing, or retaliatory conduct does not occur in any form in the work place. Any employee who has been the victim of such conduct, or who observes such conduct, is required to report the incident immediately. Any supervisor who observes any behavior that could be interpreted as harassment is responsible for either reporting or taking prompt action to stop the behavior.
2. Any employee who has a complaint of harassment at work by anyone, including supervisors, co-workers, or visitors, should report the problem to their supervisors. If the complaint involves someone in the employee's direct supervisory chain, then the employee, at his/her option may go to the Human Resources Department. If the complaint involves someone in the Human Resources Department, they should report the problem to the Superintendent. If the complaint involves the Superintendent, they should report the problem to the President of the Board.
3. Complainants should keep accurate records of the date, the time, and the place of each occurrence, the person involved, and a witness to substantiate the charge.
4. Complaints of harassment or retaliation shall be promptly investigated. Every effort will be made to handle all such complaints in a fair, impartial, and efficient manner. If an employee is not satisfied with the way a complaint is handled, he or she should bring this to the attention of the Board. In all cases, the employee will be advised of the conclusion of the investigation.