

SEXUAL AND OTHER UNLAWFUL HARASSMENT 704*Effective Date: 02/01/2016*

Cass County is committed to providing a work environment that is free of discrimination and unlawful harassment. Cass County prohibits discrimination and harassment on the basis of race, color, religion, sex, pregnancy, citizenship, national origin, age, disability, military service, veteran status, genetic information, union membership, marital status, status with regards to public assistance, participation in lawful activity off the employer's premises during non-working hours (which is not in direct conflict with the essential business-related interest of the County) or any other characteristic protected by law.

Any employee who **engages** in harassment; **who permits** employees under his/her supervision to engage in such harassment; **or who retaliates or permits retaliation** against an employee who reports such harassment is guilty of misconduct and shall be subject to immediate remedial action that may include discipline or termination of employment.

Employee Rights and Responsibilities:

Employees are entitled to timely resolution of any complaints about harassing or inappropriate behavior. In addition, employees are protected from retaliation for making a complaint or exercising other rights protected by law.

It is an employee's responsibility and obligation to report harassing or inappropriate behavior, whether it is directed at them or is something they have seen or heard that was directed at someone else. Any manager or supervisor who learns of or observes harassing or inappropriate behavior, or receives a complaint about this kind of behavior, should immediately report the behavior or complaint to the Human Resources Department or a Department Head.

Cass County will investigate the situation and take timely and appropriate action to correct it. Every employee must cooperate fully during any fact-finding initiated by Cass County, providing honest and complete information. Employees cannot choose to "stay out of it" if they are asked for information that they have or have access to.

Failure to participate fully and honestly in the investigative process, or in any fact-finding process initiated by Cass County, is a serious violation of County policy and grounds for corrective action, which may include termination from employment.

What is Harassment?

Harassment is offensive physical conduct, verbal comments, or written comments including, but not limited to, electronic communications, such as online posts or text messaging, due to another person's protected category status if that conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment, unreasonably interferes with an individual's work performance or opportunities, or otherwise affects the terms and conditions of employment.

Definition of Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, comments (verbal or written), or physical conduct of a sexual nature when:

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

Examples of Harassment

Examples of harassment include, but are not limited to:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Leering or making sexual gestures.
- Displaying or circulating sexually suggestive objects, pictures, cartoons, e-mails or posters.
- Displaying or circulating offensive objects, pictures, cartoons, e-mails or posters based on a legally-protected characteristic such as race, religion or sexual orientation.
- Making or using derogatory comments, epithets, slurs, or jokes.
- Electronic communications, such as online posts or text messaging, which are offensive or derogatory in nature about an individual due to their membership in a protected class.
- Graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- Unwelcome physical conduct including touching, assaulting, impeding or blocking movements, and threatening and intimidating behavior.

Reporting Procedure

Employees who believe they have experienced or witnessed sexual or other unlawful harassment in the workplace, whether by employees or non-employees, should take the following steps:

- Take immediate action rather than ignoring the problem and waiting for it to go away;
- Tell the offending person, if they feel comfortable doing so, that his or her actions or comments are unwelcome, that the behavior is offensive and it must stop immediately;
- Report the incident as soon as possible to a supervisor, the Human Resources Department, or a Department Head; and

- Remember that Cass County will *not* tolerate any retaliation against you for reporting concerns about harassing behavior or conduct.

Employees who are *witness* to harassment or inappropriate behavior should:

- Take the incident(s) seriously;
- Refuse to condone or participate in the behavior;
- Encourage the victim to speak with his or her supervisor, the Human Resources Department, or a Department Head; and
- Express suspicions or concerns to the appropriate supervisor, the Human Resources Department, or a Department Head so that we can be alerted to any possibly harassing situations.

Employees who *may be engaging in* harassing or inappropriate behavior must:

- Stop the behavior immediately;
- Listen to the person complaining about the behavior; and
- Learn from the experience and do not repeat it.

Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must immediately report the harassment to the Human Resources Department or a Department Head so it can be investigated in a timely manner.

All charges of harassment will be promptly investigated by Cass County. All complaints will be handled as discreetly as possible, although Cass County cannot guarantee absolute confidentiality. Strict confidentiality is not possible, since the alleged harasser is entitled to answer the charges, particularly if discipline or termination is a possible outcome. However, reasonable efforts will be made to respect the confidentiality of the individuals involved. Corrective action will be taken consistent with the results of Cass County's investigation.

All employees are expected to cooperate with harassment investigations. An employee who refuses to participate in the investigation, provides untruthful statements to the investigator, or otherwise obstructs the investigation process is subject to discipline, up to and including termination of employment.

Retaliation

Cass County will not tolerate any retaliation against any employee who reports an incident of alleged harassment on inappropriate workplace behavior or provides information during an investigation, and will take measures to protect all such employees from retaliation. *Engaging in retaliatory behavior is a violation of this policy, and is grounds for corrective action, up to and including termination of employment.*

Off-Site Events

On occasion, employees may have the opportunity to participate in off-site County-sponsored events such as social gatherings, planning sessions, retreats, meetings, or conferences. These settings, which may be more informal than our workplace, can facilitate new learning, creative

thinking and camaraderie among employees and colleagues. We expect that employees will demonstrate the same professional standards of behavior at these events as they would in the workplace. Two specific guidelines should be kept in mind:

- If alcoholic beverages are served, they must be consumed in moderation
- Harassment in any form will not be tolerated

Liability for Harassment

Any Cass County employee who is found to have violated this policy is subject to disciplinary action, up to and including termination from employment. Employees may also be subject to personal legal liability for violation of this policy. Employees wanting more information about our harassment policy or complaint process should contact a supervisor, the Human Resources Department, or a Department Head.