



SECTION: Employee Relations
TOPIC: Prohibition of Sexual Harassment
DATE: January, 2018

ADMINISTRATIVE PRACTICES MANUAL

SUBJECT: PROHIBITION of SEXUAL HARASSMENT

1. INTRODUCTION

Dane County is committed to providing a professional work environment. This means that the County will not tolerate unlawful harassment directed at an employee because of his/her age, race, ethnicity, religion, color, gender, disability, marital status, sexual orientation, national origin, cultural differences, ancestry, physical appearance, arrest record or conviction record, military participation or membership in the national guard, state defense force or any other reserve component of the military forces of the United States, political beliefs, or any other characteristic protected by applicable local state and federal law.

Sexual harassment is a violation of this policy and is also a violation of the United States Civil Rights Act of 1964 and its later amendments, specifically section 703 of Title VII, Chapter 111.36 (b), Wisconsin State Statutes and of Chapters 18.15 and 19.09 (8), Dane County Ordinances. Sexual Harassment is defined in Chapter 18.04 (26), Dane County Ordinances.

Employees are expected to conduct themselves in a manner consistent with the spirit and intent of this policy.

2. WHAT IS SEXUAL AND OTHER HARASSMENT PROHIBITED BY THIS POLICY?

Sexual Harassment is defined in Chapter 18.04 (26), Dane County Ordinances as "sexual advances, physical contact or verbal or physical conduct of a sexual nature which has the purpose or effect of substantially interfering with an employee's work performance or of creating an intimidating, coercive, hostile or offensive environment. Conduct which shall be deemed sexual harassment shall include but not be limited to the repeated use or display of sexually explicit gestures, verbal comments, written matter or graphic materials in the work setting in the presence of another person or persons in circumstances in which such conduct is known or should be known to be offensive or unwelcome."

Sexual harassment includes practices that require submission to such conduct and is made either explicitly or implicitly a term or condition of employment and that submission to or rejection of such conduct by an individual is used as the basis for decisions affecting that individual's employment. Unwelcome conduct of a sexual nature constitutes sexual harassment if any of the following apply:



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- Submission to such conduct is explicitly or implicitly made a term or condition of employment;
- Submission to or rejection of such conduct affects decisions affecting employment; or
- Such conduct has the purpose or effect of creating a sexually hostile work environment.

The following are examples of unwelcome conduct which could violate this policy:

- Sexual advances or requests for sexual favors;
- Verbal conduct of a sexual nature, e.g., comments about an individual's body, physical attributes, sexual activities, etc.;
- Displays of a sexual nature, e.g., calendars, photographs, magazines, etc.; and
- Offensive sexual jokes.

Unlawful harassment may be based on sex, but it can also be based on an individual's age, race, ethnicity, religion, color, disability, marital status, sexual orientation, national origin, cultural differences, ancestry, physical appearance, arrest record or conviction record, military participation or membership in the national guard, state defense force or any other reserve component of the military forces of the United States, or political beliefs. The following are examples of potentially harassing conduct:

- Comments regarding an individual's physical appearance or attributes;
- Mimicking an individual's accent or speech pattern;
- Use of racial or ethnic epithets;
- The telling of derogatory or offensive jokes;
- Harassing letters, phone calls or gifts; and
- Comments about an individual's age or disability.

3. IF HARASSED:

Employees who feel they have been harassed must promptly report the conduct to their supervisor or another individual in management, Employee Relations, and/or the Office for Equity & Inclusion (OEI). Use of the OEI complaint form posted on the Administrative Practices Manual is optional. If an employee is being harassed while at work by a contractor, bidder, or other non-County employee with whom the employee has contact while at work, the employee must promptly report the concerns as if the harassment were done by a County employee or agent.

4. IF WITNESSING HARASSMENT:



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Employees who are aware of another employee being harassed in violation of this policy must promptly report their concerns as described in the immediately preceding paragraph. All employees, whether victims of harassment or not, must bring violations of this policy to the attention of the County by informing one of the individuals described above.

5. INVESTIGATION AND DISCIPLINARY ACTION:

Complaints will be investigated promptly. The information provided will be shared on a “need-to-know” basis only. Appropriate disciplinary action will be taken against any employee found to have violated this policy. Such discipline may include, but is not limited to, warning, suspension, demotion, pay cut, or discharge of employment. In the case of harassment by a contractor, bidder, or other non-County employee with whom the employee has contact while at work, the County will act promptly to remedy the harassment and prevent further occurrences.

6. REPRISALS/RETALIATION:

Anyone filing a complaint under this procedure or anyone who aids, testifies, investigates, or in any way assists in an investigation shall do so without fear of coercion, interference, intimidation, obstruction or reprisals of any form. It is a violation of Chapter 19.14 (8), Dane County Ordinances and Chapter 111.322 (3) Wisconsin State Statutes, to discriminate against an individual "because he or she has made a complaint, testified or assisted in any proceedings" Any individual found to be in violation of Chapter 111.322 (3) Wisconsin State Statute and Chapter 19.14 (8) Dane County Ordinance will be subject to disciplinary action.

Anyone who engages in or assists in reprisals or retaliates against a Complainant for making a good faith complaint, or anyone who was part of the investigation of such a complaint, will be subject to disciplinary action including but not limited to discharge from Dane County Civil Service.

7. COMPLAINT PROCESS:

Employees who feel that they have been **sexually harassed or discriminated** against must immediately notify **either**:

- **Their Department**-Department Head, Supervisor or Department Affirmative Action Liaison; or



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- **The Office for Equity & Inclusion** – 608/283-1391, TYY: Call WI Relay 711, Room 356, City County Building.