

1.2: Reporting and Investigation of Discrimination, Harassment, or Retaliation

This policy applies to all employees.

POLICIES AND PROCEDURES

Employees

If an employee believes that he or she has been subject to harassment, discrimination, or retaliation, he or she may address the situation directly and immediately with the person responsible for that behavior, if possible. If the inappropriate conduct does not cease, or if the employee is unable to or uncomfortable with addressing the alleged perpetrator directly, he or she should report the incident to his or her own supervisor or manager, or to Human Resources. If the employee feels that he or she cannot go to his/her supervisor or Human Resources with a complaint, the employee should report the incident to the County Manager or to a Deputy County Manager. All complaints must be brought forth in good faith. It is helpful, but not required, to provide a written record of the date, time and nature of the incident(s) and the names of any witnesses.

It is important to report any and all concerns of harassment, discrimination, or retaliation to Human Resources or to a supervisor/manager as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

Managers and Supervisors

Managers and supervisors must deal expeditiously and fairly with allegations of harassment, discrimination or retaliation within their departments whether or not there has been a written or formal complaint. They must:

- Take all complaints or concerns of alleged or possible harassment or discrimination seriously no matter how minor or who is involved.
- Ensure that harassment or inappropriate sexually oriented conduct is immediately reported to Human Resources so that a prompt investigation can occur.
- Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

Managers and supervisors who knowingly allow or tolerate sexual harassment or retaliation, including the failure to immediately report such misconduct to Human Resources, are in violation of this policy and subject to discipline.

1.2: Reporting and Investigation of Discrimination, Harassment, or Retaliation (Continued)

Human Resources

Human Resources is responsible for ensuring that both the individual filing the complaint and the accused individual are aware of the seriousness of a complaint of harassment, discrimination, or retaliation, and explaining the County's equal employment opportunity policies. Human Resources will also explore formal and informal means of resolving complaints and will arrange for and conduct investigations, consistent with the nature and severity of the complaint.

Participation in an investigation is mandatory. During an investigation, the employee accused of a policy violation may be placed on administrative leave.

Confidentiality

Any complaint reported through appropriate County channels will be investigated and kept as confidential as possible under the circumstances. Confidentiality will be balanced with the County's need to investigate and fully understand the facts behind the alleged misconduct so that appropriate action can be taken. For example, the identity of the complainant is usually revealed to the accused and witnesses. Depending on the circumstances, including the consideration of confidentiality and due process interests, the substance of a complaint and the results of an investigation may be shared with the complainant and with the person accused of harassment or discrimination. Human Resources will take adequate steps to ensure that the complainant is protected from retaliation.

Elected Officials

Allegations against elected officials are taken seriously and will be handled in accordance with the policies set forth above. All allegations against elected officials will be investigated. Human Resources and the County Attorney's Office may make recommendations to the Board of County Commissioners and other elected officials regarding the outcome of those investigations. The Board of County Commissioners cannot force elected officials to participate in investigations and cannot discipline or terminate elected officials for violations of County policy.

Other Available Procedures

The procedures available under this policy do not preempt or supersede any legal procedures or remedies otherwise available to a victim of sexual harassment under local, state or federal law.