



Unified Government Human Resources Guide

Effective 04-06-2015

HARASSMENT IN THE WORKPLACE

- I. General: The Unified Government will not tolerate harassment of employees based on sex (with or without sexual conduct), race, color, national origin or ancestry, religion or creed, pregnancy, sexual orientation, gender identity, age, disability, or protected activity (opposition to prohibited discrimination or participation in the Unified Government or statutory complaint process) by anyone in the workplace, including supervisors, co-workers, and non-employees. Employees who make complaints of harassment or provide information related to such complaints will be protected from retaliation. Employees are encouraged to report harassment to any and all levels of management, including their department head, the Director of Human Resources, and the County Administrator, or to the Employee Relations Officer. To the extent possible, complaints of harassment will be kept confidential. All complaints of harassment will be promptly, thoroughly, and impartially investigated. If the Unified Government determines that harassment has occurred, it will take immediate and appropriate corrective action.
- II. Harassment Not Tolerated.
 - A. The Unified Government will not tolerate harassment of employees based on sex (with or without sexual conduct), race, color, national origin or ancestry, religion or creed, pregnancy, sexual orientation, gender identity, age, disability, or protected activity (opposition to prohibited discrimination or participation in the Unified Government or statutory complaint process) by anyone in the workplace, including supervisors, co-workers, and non-employees.
 - B. All persons who work at the Unified Government have a responsibility to help maintain a work environment that is free from harassment.
 - C. Harassment is prohibited in any location that can be reasonably regarded as an extension of the workplace, such as any customer location, an off-site social business function, or any other non-Unified Government facility where Unified Government business is being conducted and discussed.
 - D. This policy applies equally to harassment of and by gay and lesbian employees.
- III. Sexual Harassment
 - A. The Equal Employment Opportunity Commission (EEOC) defines “sexual harassment” as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;



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2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or sexually offensive work environment.
- B. Determining what constitutes sexual harassment depends upon the specific facts and the context in which the conduct occurs. Sexual harassment may take many forms – subtle and indirect, or blatant and overt. For example:
1. It may be conduct toward an individual of the opposite sex or the same sex.
 2. It may occur between peers or between individuals in a hierarchical relationship.
 3. It may be aimed at coercing an individual to participate in an unwanted sexual relationship or it may have the effect of causing an individual to change behavior or work performance.
 4. It may consist of repeated actions or may even arise from a single incident if sufficiently egregious.
- C. Examples of inappropriate workplace conduct that may constitute sexual harassment include, but are not limited to, the following:
1. Physical contact or touching of a sexual nature;
 2. Sexual advances, propositions, or flirtations;
 3. Requests or pressure for sexual favors, activities, or contact;
 4. Gestures, such as puckering one's lips suggestively or making obscene signs with one's fingers or hands;
 5. Repeated staring or unnecessary proximity to another person;
 6. Jokes or comments of a sexual nature;
 7. Display, circulation, or communication of sexually suggestive, explicit, graphic, or offensive objects, pictures, or materials of any kind.



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IV. Making a Complaint

- A. Employees may report harassment to any and all levels of management, including but not limited to their department head, the Director of Human Resources, and the County Administrator, or to the Employee Relations Officer, without regard to any “chain of command.”
- B. The Unified Government encourages employees to report harassment *before* it becomes severe or pervasive. Even if the harassment does not rise to the level of a violation of federal or state law, the Unified Government will take action to stop it.
- C. A complaint made under this policy does not need to be in writing.
- D. A supervisor (including a manager, department head, or any other official or employee with supervisory responsibilities), whether appointed or elected (excluding the Unified Board of Commissioners), who receives a written or oral complaint, allegation, or any notice whatsoever of harassment shall notify the Director of Human Resources in writing of such complaint, allegation, or notice at his or her earliest opportunity, but in no case later than one (1) business day after receiving it. Written notification shall be provided to the Director of Human Resources regardless of the supervisor’s opinion as to the merits of the claim.
- E. In lieu of or in addition to reporting harassment to management, an employee may file a complaint with the Equal Employment Opportunity Commission (EEOC) or the Kansas Human Rights Commission (KHRC). If an employee elects to file a complaint with the EEOC, the complaint must be filed within 300 days of the unlawful harassment. A complaint with the KHRC must be filed within six (6) months of the unlawful harassment. The deadline for filing complaints with the EEOC or the KHRC runs from the last date of unlawful harassment, not from the date that the complaint to the Unified Government is resolved.

V. Retaliation Not Tolerated.

It is unlawful to retaliate against an employee for filing a complaint of harassment or cooperating in an investigation of a complaint of harassment. The Unified Government will not tolerate retaliation against an individual who in good faith reports harassment or provides information related to a complaint of harassment.



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VI. Confidentiality

The Unified Government recognizes that confidentiality is important. Those responsible for implementing this policy will protect the confidentiality and privacy of individuals reporting or accused of harassment to the extent reasonably possible. Information about the allegation of harassment will be shared only with those who need to know about it. Records relating to harassment complaints shall be kept confidential on the same basis. The Unified Government, however, cannot guarantee complete confidentiality, since it cannot conduct an effective investigation without revealing certain information to the alleged harasser and potential witnesses.

VII. Investigation Process.

- A. All complaints of harassment will be promptly, thoroughly, and impartially investigated.
- B. The Director of Human Resources, upon receiving written notification from a supervisor or upon receiving an oral or written complaint, allegation, or notice of harassment, shall immediately open, and subsequently maintain, a file on the matter.
- C. The Director of Human Resources shall expeditiously investigate the complaint, allegation, or notice or, in his or her discretion, refer the matter to the County Administrator for investigation or to an outside agency.
- D. The Director of Human Resources or other person(s) designated to investigate the complaint, allegation, or notice shall take statements from the complainant or alleged subject of harassment and, as necessary, those persons accused of improper acts, witnesses, and other persons thought to possess relevant information.
- E. The Director of Human Resources or other person(s) charged with conducting the investigation may request written and/or oral reports from any official or employee, except that no complainant shall be required to make a written statement if unwilling to do so.
- F. When a complainant refuses to provide a written statement, the person(s) charged with conducting the investigation shall utilize another method of documenting and preserving the statement of the complainant.
- G. All employees and officials shall cooperate fully with the investigation. An employee who fails to cooperate fully with an investigation shall be subject to discipline, up to and including termination.



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- H. Upon completion of the administrative investigation, the person(s) who has conducted the investigation shall make written findings to the Director of Human Resources.

VIII. Corrective Action.

- A. Reports of harassment are taken seriously and will be dealt with promptly. Where harassment is found to have occurred, the Unified Government will take immediate and appropriate corrective action to stop the harassment, to prevent its recurrence, and, where appropriate, to discipline those responsible.
- B. Pending the results of the investigation of a complaint of harassment, the Director of Human Resources and the head of any department whose employees may be involved shall take action to ensure that the complainant or person alleged to have been harassed is not subject to further harassment. Actions that may be taken pending the results of the investigation include, but are not limited to, temporarily rescheduling the hours of work of the alleged harasser, assigning the alleged harasser to a different work location or department, and placing the alleged harasser on administrative leave.
- C. After receiving the findings of the investigation, the Director of Human Resources shall make recommendations for appropriate action to be taken, if any is required. If no action is required, that shall be so noted.
- D. The specific action taken in any particular case depends on the nature and gravity of the conduct reported and may include, but is not limited to, training or education, counseling, transfer or reassignment, disciplinary action, and monitoring of the harasser. In addition, where harassment is found to have occurred, appropriate measures shall be taken to correct the effects of the harassment, including but not limited to, restoration of leave taken because of the harassment, expungement of negative evaluations in the complainant's or victim's personnel file that arose from the harassment, reinstatement, apology by the harasser, monitoring treatment of the complainant or victim to ensure that he or she is not subjected to retaliation by the harasser or others in the workplace because of the complaint, and correction of other harm caused by the harassment.
- E. The recommendations of the Director of Human Resources shall be presented to the head of any department whose employees are involved and the Administrator.
- F. If the department head disagrees with the recommendations made by the Director of Human Resources, the department head shall report the reasons for his or her disagreement to the Administrator, who shall decide on the appropriate remedial action.
- G. After receiving the recommendations of the Director of Human Resources, the Administrator may direct that the recommendations, or any of them, not be implemented



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or that additional or substitute actions be taken consistent with the Unified Government's responsibility to stop the harassment, to prevent its recurrence, and, where appropriate, to discipline those responsible.

H. After the Administrator and any concerned department head are provided with the findings of the investigation and the recommendations of the Director of Human Resources, the complainant or employee(s) involved shall be notified in writing of the resolution of the issue and the steps to be taken as a result, if any.

IX. Disciplinary Action for Violations.

Any employee, supervisor, or manager who is found to have violated this policy will be subject to appropriate discipline, up to and including termination.

X. Posting and Notice

This policy shall be prominently posted in central locations in all Unified Government buildings and facilities and shall be distributed to all elected officials and employees of the Unified Government, including new hires.

RELATED POLICIES: 2.1 – Equal Opportunity in Employment
 2.17 – Americans with Disabilities Act
 6.3 – Violence Free Workplace

RELATED FORM(S): Consent and Acknowledgement of Receipt Form