

BRANCH COUNTY

Policy Prohibiting Harassment and Discrimination

Effective January 1, 1999

BRANCH COUNTY
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COUNTY OF BRANCH

**POLICY PROHIBITING
HARASSMENT AND DISCRIMINATION**

I. STATEMENT OF POLICY

It is the policy of the County of Branch to provide a work environment that is free of discrimination, intimidation, offensive behavior, and harassment by any individual against any other individual on the basis of sex, race, color, national origin, age, religion, marital status, handicap, disability, height or weight. Violations of this policy shall result in appropriate corrective action by the County, including discipline up to and including discharge.

For purposes of this policy, “individual” includes all County of Branch employees and appointees and County of Branch suppliers, independent contractors, and their employees, officers and agents.

II. DEFINITIONS AND PROHIBITIONS

Harassment and discrimination based upon sex, race, color, national origin, age, religion, marital status, handicap, disability, height or weight is a violation of state and federal law and shall not be tolerated by the County of Branch. For purposes of this policy, prohibited harassment or discrimination includes, but is not limited to, the following:

1. Treating an individual differently on the basis of sex, race, color, national origin, age, religion, marital status, handicap, disability, height or weight.
2. Disciplining an individual more harshly on the basis of sex, race, color, national origin, age, religion, marital status, handicap, disability, height or weight.
3. Segregating individuals on the basis of sex, race, color, national origin, age, religion, marital status, handicap, disability, height or weight.
4. Making decisions on the basis of sex, race, color, national origin, age, religion, marital status, handicap, disability, height or weight.
5. Stating or implying that an individual’s deficiencies in performance are attributable in whole or in part to the individual’s sex, race, color, national origin, age, religion, marital status, handicap, disability, height or weight.
6. Making any adverse employment decision on the basis of an individual’s handicap or disability when such handicap or disability is unrelated to the individual’s ability to perform the essential function of his or her job.

7. Engaging in any practice that illegally uses sex, race, color, national origin, age, religion, marital status, handicap, disability, height or weight as a limiting criterion.
8. Failing to accommodate an individual's religion, handicap or disability to the extent required by law.
9. Stating or implying that an individual's advancement or lack of advancement has resulted from the acceptance, granting or refusal of sexual favors or a sexual relationship.
10. Treating an individual differently as a result of submission to, or rejection of, unwelcome sexual advances or requests for sexual favors.
11. Making unwelcome sexual advances or requests for sexual favors.
12. Engaging in conduct based upon sex, race, color, national origin, age, religion, marital status, handicap, disability, height or weight which creates an intimidating, hostile or offensive environment or has the purpose or effect of substantially interfering with an individual's performance. The creation of an intimidating, hostile or offensive work environment may include, but is not limited to, such conduct as:
 - a. The display of degrading, offensive or inappropriate objects, photographs, drawings, cartoons, etc., regarding sex, race, color, national origin, age, religion, marital status, handicap, disability, height or weight.
 - b. Degrading, offensive or inappropriate jokes, insults or commentary regarding sex, race, color, national origin, age, religion, marital status, handicap, disability, height or weight.
 - c. Comments regarding an individual's private sexual life.
 - d. Physical contact or exposure of an inappropriate, unnecessary or sexual nature.
 - e. Implicit or explicit pressures to participate in religious activities or services.

III. NON-RETALIATION

The policy of the County of Branch not only prohibits harassment and discrimination but also strictly prohibits any retaliation against an individual who, in good faith, has registered a complaint under this policy, or who has cooperated in the investigation of a complaint made pursuant to this policy. Any individual who has been determined to have retaliated against another individual for utilizing the complaint procedure will be subject to appropriate discipline up to and including discharge. If an individual believes he or she has been retaliated against for exercising rights under this policy, the individual should use the complaint procedure set forth below.

IV. COMPLAINT PROCEDURE

1. Notice

An individual who believes he or she has been subjected to harassment or discrimination by another individual shall immediately report the incident to his/her supervisor or, at the complainant's option, directly to the County Administrator. In the event that the County Administrator is alleged to be personally involved in the facts forming the basis of the complaint, the individual shall report the incident to the Chair of the County Board of Commissioners. Individuals are encouraged to immediately report violations of this policy. However, if an individual is unable to do so, such reports should be made within thirty (30) days or as soon as practicable. At complainant's option, the initial report may be made in writing on the attached complaint form.

2. Procedure

Upon the receipt of a complaint, the supervisor will report the incident to the County Administrator, who will designate an individual(s) to promptly conduct an investigation as set forth below. (In the event that the County Administrator is alleged to be personally involved in the facts forming the basis of the complaint, the Chair of the County Board of Commissioners will designate an individual(s) to conduct the investigation.)

- a. Review the complaint, obtain a signed complaint form if the complainant has not already submitted one, interview the complainant and document the interview.
 - ◆ Obtain the names of witnesses who can substantiate the complainant's version of the events, interview the witnesses and document the interviews.

- b. Interview the person about whom the complaint was made and document the interview.
 - ◆ Review the County of Branch's Policy Prohibiting Harassment and Discrimination with the person about whom the complaint was made.
 - ◆ Obtain the names of witnesses who can substantiate the version of events provided by the person about whom the complaint was made, interview the witnesses and document the interviews.
 - ◆ Review the records of the complainant and the person about whom the complaint was made.
 - ◆ Make a determination of the merits of the complaint.
- c. The individual(s) conducting the investigation will report the findings of the investigation to the County Administrator or, in the event that the County Administrator is alleged to be personally involved in the facts forming the basis of the complaint, to the Chair of the County Board of Commissioners. After receiving the findings, the County Administrator or Chair of the County Board of Commissioners will make the final determination of the merits of the complaint.
- d. If it is determined that the complaint is without merit, the following actions will be taken:
 - ◆ Document the findings and conclusions.
 - ◆ The findings and conclusions will be discussed individually with the complainant and the person about whom the complaint was made. In addition, individuals who need to know (in the opinion of the employer) will be advised of the findings and conclusions.
 - ◆ All references to the complaint will be removed from the personnel files of the person about whom the complaint was made and the complainant.
 - ◆ All documentation regarding the complaint and investigation will be maintained in a separate file. This file will be discarded by the employer three (3) years after the date of the findings and conclusions, unless litigation or charges have been brought relating to the complaint and investigation.
- e. If it is determined that the complaint has merit, the following actions will be taken:
 - ◆ Document the findings and conclusions.
 - ◆ A determination will be made as to what action is necessary to resolve the complaint and prevent recurrence.
 - ◆ The offender and complainant will be advised of the findings and conclusions of the investigation and the action to be taken.

- ◆ Appropriate discipline will be imposed based upon the severity of the incident and the prior record of the offender. In the event that the penalty imposed is less than discharge, the County of Branch's Policy Prohibiting Discrimination and Harassment will be reviewed with the offender.
- ◆ The findings and conclusions as well as the documented disciplinary action will be placed in the offender's personnel file.
- ◆ All documentation regarding the complaint and investigation will be maintained in a separate file. This file will be discarded by the employer three (3) years after the date of the findings and conclusions, unless litigation or charges have been brought relating to the complaint and investigation.

Date Adopted: November 12, 1998

Effective: January 1, 1999

Yeas: 8

Nays: 0