



ADMINISTRATIVE PRACTICES MANUAL

SUBJECT: HARASSMENT, SEXUAL HARASSMENT AND DISCRIMINATION COMPLAINT PROCESS (PROCEDURES)

Forms/Documents Needed:

[Dane County's Complaint of Discrimination Form](#)

<u>RESPONSIBILITY</u>	<u>ACTION</u>
Employee	<ol style="list-style-type: none">1. A complaint of discrimination/harassment shall be directed to the employee's immediate supervisor who shall initially begin follow up, or to the Dane County Civil Rights Department (DCCRD). A complaint made to the DCCRD may be submitted on the Dane County's Complaint of Discrimination form or by email at DCCRD@danecounty.gov.<ol style="list-style-type: none">a. The complaint should include dates or times, places incident(s) occurred, persons involved or witnesses to the incident(s), a description of alleged behaviors, any action taken, and any proposed outcomes to remedy the situation.
Manager/Supervisor/DCCRD	<ol style="list-style-type: none">2. If the employee reports the complaint to a manager or supervisor, the person receiving the complaint should immediately share the concern with the DCCRD or Employee Relations for further direction.
Employee Relations / DCCRD	<ol style="list-style-type: none">3. The DCCRD or Employee Relations should review the complaint, which should include items listed in 1a.4. The DCCRD or Employee Relations should immediately assess whether any of the allegations, if valid, would violate the County's policy, involve a violation of federal laws, state statutes, Dane County ordinances, County work rules, the County's Affirmative Action Plan or the Americans with Disabilities Act (ADA) Transition Plan. If the DCCRD or Employee Relations has any questions regarding this determination, this individual should consult with the Corporation Counsel's Office, as necessary, for assistance in making this determination.<ol style="list-style-type: none">a. If it is determined that the allegations, if valid, would violate the County's EEO/Affirmative Action Plan or ADA Transition Plan, then the DCCRD or Employee Relations must be notified at this step.b. If it is determined that any of the allegations, if valid, would violate federal laws, state statutes, Dane County Ordinances, County work rules or the County's Affirmative Action Plan or ADA Transition Plan the DCCRD or Employee Relations shall proceed to the next step.

	<ul style="list-style-type: none"> c. If there is a question as to whether any of the allegations in the complaint, if valid, would violate any criminal laws, the District Attorney's Office should be contacted immediately. Criminal complaints must be handled through that office and are not covered by this procedure. <ol style="list-style-type: none"> 5. The allegations in the complaint should be reviewed and an investigation should be commenced. Before beginning, DCCRD or Employee Relations must review the procedures for conducting an investigation outlined in the Dane County Administrative Practices Manual (APM). 6. If informing the subject of the complaint of the allegations against them would undermine the investigation or place the individual making the complaint at risk, the presentation of allegations to subject of the complaint should be delayed until further investigation is done. If not, then the DCCRD or Employee Relations should interview the subject of the complaint. <ul style="list-style-type: none"> a. If the subject of the complaint acknowledges the validity of the allegations, no further investigation is needed. If their actions constitute a violation of Dane County's policies, DCCRD or Employee Relations should then assess whether disciplinary action should be taken against the subject of the complaint, referencing the procedure for imposing discipline in the Dane County APM. b. If subject of the complaint denies the allegations, the DCCRD or Employee Relations should assess whether this individual has a credible explanation for the cause of the allegations or compelling evidence regarding the lack of validity of the allegations. 7. If the DCCRD or Employee Relations determine that the subject of the complaint did not engage in the alleged conduct, the allegations should be dismissed. The complainant and the subject of the complaint shall be informed in writing of the dismissal. 8. If the DCCRD or Employee Relations has reasonable doubts about whether or not the subject of the complaint engaged in the offending conduct, the DCCRD or Employee Relations should conduct further investigation, based on the specifics of the allegations. <ul style="list-style-type: none"> a. The DCCRD or Employee Relations should obtain as much information as is reasonably possible to assist in assessing the validity of the allegations. It is not the purpose of an investigation to prove someone guilty. The purpose of an investigation is to conduct a fair and impartial investigation and collect factual information. Depending on the allegations, this could include
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	<p>interviewing witnesses and reviewing any relevant written documents. Witnesses should be interviewed immediately, tailoring each interview to the alleged involvement of that individual in the allegations in the complaint.</p> <p>b. If during the course of an investigation, additional allegations surface regarding conduct that may violate Dane County's policies, the same process outlined herein should be used regarding those allegations.</p> <p>9. After obtaining as much information as is reasonably possible regarding the validity of the allegations, the DCCRD or Employee Relations should do a written report regarding the validity of the allegations.</p> <p>a. Based on the written report, the DCCRD or Employee Relations should determine whether discipline should be imposed, referencing the procedure for imposing discipline in the Dane County APM. When a disciplinary decision has been made, and if discipline appears to be the appropriate action, it must be done in a manner that conforms to the appropriate collective bargaining agreement and/or County Ordinance. The DCCRD or Employee Relations should ensure that any discipline to be imposed conforms to the Employee Benefit Handbook, appropriate collective bargaining agreement and/or County Ordinance.</p> <p>10. At whatever step the process is concluded, the DCCRD or Employee Relations should communicate, in writing, to the complainant and the subject of the complaint regarding the decision. The DCCRD or Employee Relations should ensure that these written communications are complete and appropriate.</p>
Employee	<p>11. A complainant may file an electronic request, to appeal a determination of their complaint, with the Director of the DCCRD.</p> <p>a. Requests for appeals should be emailed to DCCRDAppeals@danecounty.gov.</p>
Director of DCCRD	<p>12. The Director of DCCRD will be responsible for reviewing and/or additional investigation of the complaint and seeking an appropriate resolution. In addition, the Director of the DCCRD shall inform the Equal Opportunity Commission of all complaints filed, without breaching confidentiality, and the final disposition of each complaint.</p>