



## ADMINISTRATIVE PRACTICES MANUAL

### SUBJECT: PROHIBITION OF HARASSMENT, SEXUAL HARASSMENT AND DISCRIMINATION

#### 1. PURPOSE

To ensure that all employees are not harassed, sexually harassed or discriminated against due to their age, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, affection preference, physical appearance, economic status, arrest record, conviction record or membership in the national guard, state defense force or any other reserve component of the military forces of the United States or this state.

#### 2. POLICY STATEMENT

Dane County is committed to providing a professional work environment. Conditions of employment will be maintained and improved, when necessary, to ensure that all employees are able to maximize their potential. This shall include, but is not limited to the following:

- 2.1 All employees are entitled to working conditions free from intimidation, harassment, sexual harassment or discrimination. This includes all individuals affiliated with the County in any capacity.
- 2.2 Harassing behavior that is expressly prohibited shall include but is not limited to: sexual; religious; ethnic; racial slurs and/or sexual, religious, ethnic and/or racial stereotyping; physical or verbal aggression; explicit or implied threats; ridicule; name calling; malicious gossip or other activity that contributes to a denial of employment opportunities and/or contributes to an intimidating or hostile work environment.

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

#### 3. DEFINITIONS

- 3.1. **Discrimination** is defined as the unjust or prejudicial treatment of different categories of people.
  - 3.1.1 Conduct which shall be deemed employment discrimination shall include but not be limited to unjust or prejudicial treatment related to recruitment and hiring, job assignments, pay, leave or benefits, promotion, licensing, union membership, training, layoff and firing, and other employment related actions. For more information on specific prohibited conduct, see Wis. Stat. 111.31.
- 3.2. **Harassment** is defined as aggressive pressure or intimidation.
  - 3.2.1 Conduct which shall be deemed harassment shall include but not be limited to verbal or physical abuse, threats, derogatory remarks (such as comments regarding an individual's physical appearance or attributes or mimicking an individual's accent or speech pattern), the telling of derogatory or offensive jokes, innuendo or taunts about appearance or beliefs. The display of racist or offensive images. Practical jokes that result in awkwardness or embarrassment. Unwelcome invitations or requests (such as harassing letters, phone calls or gifts), either indirect or explicit.
- 3.3 **Sexual Harassment** is defined in Chapter 18.04 (42), 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."

- 3.3.1 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.
- 3.3.2 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:
  - 3.3.2.1 Submission to such conduct is explicitly or implicitly made a term or condition of employment;
  - 3.3.2.2 Submission to or rejection of such conduct affects decisions affecting employment; or
  - 3.3.2.3 Such conduct has the purpose or effect of creating a sexually hostile work environment.

#### **4. DUTIES OF EMPLOYEES**

- 4.1.** Employees who feel they have been harassed, sexually harassed, or discriminated against must promptly report the conduct to their supervisor or another individual in management, Employee Relations, and/or the Dane County Civil Rights Department (DCCRD). Use of the DCCRD 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.
- 4.2.** Employees who are aware of another employee being harassed, sexually harassed, or discriminated against 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**

- 5.1.** Complaints will be investigated promptly. The information provided will be shared on a "need-to-know" basis only.
- 5.2.** Appropriate disciplinary action will be taken against any employee found to have violated this policy.
  - 5.2.1 Such discipline may include, but is not limited to, warning, suspension, demotion, pay cut, or discharge of employment
  - 5.2.2 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**

- 6.1.** 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 Wis. Stat. 111.322 (3), to discriminate against an individual "because

they have made a complaint, testified or assisted in any proceedings ...." Any individual found to be in violation of Wis. Stat. 111.322 (3) and Chapter 19.14 (8) Dane County Ordinance will be subject to disciplinary action.

**6.2.** 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**

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

1. Their Department Head, Supervisor, Employee Relations; or
2. The Dane County Civil Rights Department  
210 Martin Luther King Jr. Blvd, Rm 356  
Madison, WI 53703  
PH: 608/283-1391, TYY: Call WI Relay 711

**END OF POLICY**