



SECTION: Employee Relations
TOPIC: Sexual Harassment Complaint
Process
January, 2018

ADMINISTRATIVE PRACTICES MANUAL

1. Response to non-criminal discrimination/sexual harassment/harassment complaints made by a county employee or applicant for county employment.

RESPONSIBILITY ACTION

Employee

A complaint of discrimination/harassment shall be directed to the complainant's immediate supervisor or manager or the County's Manager of Equal Employment Opportunity. A complaint made to the Manager of Equal Employment Opportunity may be submitted on the Dane County's Complaint of Discrimination form.

Mgr/Spvr/OEI Staff

When an individual brings forth a complaint, the person receiving the complaint should immediately share the concern with the Manager of Equal Employment Opportunity or Employee Relations. The Manager of Equal Employment Opportunity or Employee Relations should take notes about the statements made, dates, times, places and people involved.

OEI Staff/Employee Relations

1. The Manager of Equal Employment Opportunity 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 Manager of Equal Employment Opportunity or Employee Relations has any questions regarding this determination, this individual should consult with the Corporation Counsel's Office, the Employee Relations Division, Americans with Disabilities Act (ADA) Coordinator, or the OEI as necessary, for assistance in making this determination. If it is determined that the allegations, if valid, would violate the County's EEO/Affirmative Action Plan or ADA Transition Plan, then the Manager of Equal Employment Opportunity or ADA Coordinator must be notified at this step. 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 Manager of Equal Employment Opportunity or Employee Relations shall

proceed to the next step. 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.

2. The allegations in the complaint should be reviewed and an investigation should be commenced. Before beginning an investigation, the Manager of Equal Employment Opportunity or Employee Relations must review the procedures for conducting an investigation outlined in the Dane County Administrative Practices Manual.
3. If informing the person being complained about of the allegations against him/her would undermine the investigation or place the individual making the complaint at risk, the presentation of allegations to the person being complained about should await further investigation. If not, then the Manager of Equal Employment Opportunity or Employee Relations should interview the person being complained about.
4. If the person being complained about acknowledges the validity of the allegations, no further investigation is needed if their actions constitute a violation of Dane County's policies. The Manager of Equal Employment Opportunity or Employee Relations should then assess whether disciplinary action should be taken against the person being complained about, referencing the procedure for imposing discipline in the Dane County Administrative Practices Manual.
5. If the person being complained about denies the allegations, the Manager of Equal Employment Opportunity or Employee Relations should assess whether this individual has a credible explanation for the cause of the allegations being made or compelling evidence regarding the lack of validity of the allegations.
6. If the Manager of Equal Employment Opportunity or Employee Relations determines that the person being complained about did not engage in the conduct alleged, the allegations should be dismissed. The complainant and the person the complaint was filed against shall be informed in writing of the dismissal.
7. If the Manager of Equal Employment Opportunity or Employee Relations has reasonable doubts about whether the person being complained about engaged in the offending conduct, the Manager of Equal Employment Opportunity or Employee Relations should conduct further investigation. The investigation should be conducted based on the specifics of the allegations.
8. The Manager of Equal Employment Opportunity 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 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.

9. 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.
10. After obtaining as much information as is reasonably possible regarding the validity of the allegations, the Manager of Equal Employment Opportunity or Employee Relations should do a written summary regarding the validity of the allegations.
11. Based on the written report, the Manager of Equal Employment Opportunity or Employee Relations should determine whether discipline should be imposed, referencing the procedure for imposing discipline in the Dane County Administrative Practices Manual. 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 Manager of Equal Employment Opportunity or Employee Relations should seek the assistance of the Employee Relations Division to ensure that any discipline to be imposed conforms to the Employee Benefit Handbook, appropriate collective bargaining agreement and/or County Ordinance.
12. At whatever step the process is concluded, the Manager of Equal Employment Opportunity or Employee Relations should communicate in writing to the complainant and the person being complained about regarding his/her decision. The Manager of Equal Employment Opportunity or Employee Relations should seek the assistance of the Employee Relations Division to insure that these written communications are complete and appropriate.

Employee

A complainant may file a written request, to appeal a determination of his/her complaint, with the Director of the OEI.

Director OEI

The Director of OEI will be responsible for investigating the applicant complaint and seeking resolution. In addition, the Director of the OEI shall inform the Equal Opportunity Commission of all complaints filed, without breaching confidentiality, and the final disposition of each complaint.