

Policy 12

SEXUAL HARASSMENT

[Adopted 10-27-1992 (P-51)]

§ 12-1. Purpose.

- A. Both state and federal law prohibit sexual discrimination in the workplace. The Kent County Levy Court is firmly committed to compliance with these laws. It is essential that all employees be aware of and comply with the law and this Sexual Harassment Policy.
- B. The Levy Court strongly disapproves of sexual or other harassment of employees, and will appropriately discipline any employee whose conduct violates this policy.

§ 12-2. Definition.

Sexual harassment is defined as deliberate or repeated unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature in situations when:

- A. The employee reasonably feels that submission or putting up with such conduct is an expressed or implied term or condition of employment;
- B. The employee reasonably feels that submission to or rejection of such conduct becomes the basis for employment decisions affecting that individual; or
- C. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

§ 12-3. Sexual harassment prohibited; reporting harassment.

The Kent County Levy Court prohibits its employees from any actions or words which constitute sexual harassment. Violation of this Policy will not be tolerated by Kent County and may result in discipline up to and including immediate termination. If employees have witnessed or feel they have been subject to any harassment of this nature, they must immediately report the harassment to their immediate supervisor or, if the complaint involves the employee's immediate supervisor, to the Personnel Director or department manager.

§ 12-4. Investigation of complaints; confidentiality of complaints.

The Personnel Director or designee with assistance from the department manager or immediate supervisor will immediately investigate complaints and take the appropriate action that may be necessary. Employees who register complaints or make reports of harassment may request that their complaints or reports be made in confidence.

§ 12-5. Internal complaint procedure.

- A. Employee should directly report the behavior (preferably in writing¹) to the Personnel Director, department manager or immediate supervisor within three working days of the offense. If not directly reported to the Personnel Director, he/she must be immediately advised a complaint has been received.
- B. Upon request, the person making the report shall give all pertinent relative facts of names, places, times, words or actions that were found offensive.
- C. Within three working days of the complaint, the person against whom the complaint is made will be counseled privately to determine his or her perspective.
- D. Based upon the report, the investigator shall, within a reasonable time, determine whether the conduct of the person against whom the complaint has been made constitutes sexual harassment. This determination will be made by examining the entire record and totality of circumstances on a case-by-case basis. If the investigator determines that the complaint is founded, he or she will take immediate and appropriate disciplinary action or make recommendation to the supervisor that has the authority to take immediate and appropriate disciplinary action. The discipline and appeal process according to the Kent County Code will be followed.
- E. Disciplinary action will include remedies up to and including termination.
- F. The Personnel Director or designee with assistance from the department manager or immediate supervisor will conduct follow-up interviews with the complainant and the accused to inform them of the results of the investigation and the corrective action to be taken.
- G. All information regarding each case shall be held in the strictest confidence. Violation of this confidence will be subject to separate disciplinary action.

¹ Editor's Note: The Sexual Harassment Complaint Form is on file in the Personnel office and most other offices.