

## **Kenosha County Sexual Harassment Policy Statement**

Harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964 and the Wisconsin Fair Employment Act. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Kenosha County, through its commitment to affirmative action, will attempt to provide a work environment free of sexual harassment for all employees in accordance with the laws of the United States and the State of Wisconsin.

Sexual harassment of Kenosha County employees is considered unacceptable and impermissible conduct which will not be tolerated. The County deprecates such conduct as an abuse of position and authority. Whenever knowledge is received that a sexual harassment condition is being imposed, prompt and remedial action will be taken.

In accordance with the Sexual Harassment Policy, any person who believes sexual harassment has taken place may file a complaint with the Director of the Division of Personnel Services, their supervisor or any member of management. Allegations of sexual harassment will be investigated promptly and, if appropriate, disciplinary action will be taken, up to and including discharge.

## **Kenosha County Sexual Harassment Policy**

Kenosha County promotes a productive work environment and will not tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another employee's work performance or that creates an intimidating, offensive or hostile environment. Employees at all times should treat other employees respectfully and with dignity in a manner so as not to offend the sensibilities of a co-worker or a subordinate employee. Accordingly, the County is committed to vigorously enforcing its harassment policy at all levels of the organization, including management and supervisory positions. The County and its agents forbid retaliation against anyone for reporting harassment of any kind or otherwise assisting in the investigation of a harassment complaint, or filing a charge of discrimination with a government agency. The purpose of this policy is to encourage early reporting and early intervention before conduct rises to the level of harassment in violation of this policy. It is the policy of the County to investigate all complaints of harassment thoroughly and promptly.

In that regard, Kenosha County expressly prohibits any form of unlawful harassment based on race, color, religion, sex, sexual orientation, national origin, age, disability, status as a Vietnam-era or special disabled veteran or status in any group protected by federal, state or local law. Unlawful harassment that interferes with the ability of County employees to perform their expected job duties will not be tolerated and will be met with appropriate disciplinary action, up to and including termination.

Harassment on any basis (race, sex, age, disability, etc.) exists whenever

1. Submission to, or toleration of, such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual's welfare; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's welfare or work performance, or creates an intimidating, hostile or offensive work environment.

### **Definition of Sexual Harassment**

Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature, submission to which is made a condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

1. Repeated unwelcome sexual propositions, invitations, solicitations and flirtations.
2. Stated or implied threats that a person's employment, wages, opportunities for promotion, or other conditions of employment may be adversely affected by not submitting to sexual advances.
3. Repeated and pervasive unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene gestures.
4. Unwanted exposure to sexual graffiti, photographs, electronically transmitted images or suggestive objects that substantially interfere with an individual's welfare or work performance.
5. Unwelcome and inappropriate touching, patting, pinching or unnecessary brushes.

### **Recognizing Harassment**

Harassment may be subtle or manipulative and is not always evident. It does not refer to an occasional compliment of a socially acceptable nature. It refers to behavior that is not welcome and is personally offensive. Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

1. The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
2. The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
3. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
4. Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
5. The harasser's conduct must be unwelcome.

## **Filing a Complaint**

Any employee who believes he or she is being harassed, or any employee who becomes aware of harassment, should promptly notify his or her supervisor. If the employee believes that the supervisor is the harasser, the supervisor's supervisor should be notified. If an employee is uncomfortable discussing harassment with his or her supervisor, the employee should contact the Director of Personnel Services. The complaint procedure is attached to this policy.

Upon notification of a harassment complaint, a confidential and impartial investigation will be promptly commenced and will include direct interviews with involved parties and where necessary with employees who may be witnesses or have knowledge of matters relating to the complaint. The parties of the complaint will be notified of the findings and their options.

## **Kenosha County Sexual Harassment Complaint Procedure**

1. The complainant should present the complaint as promptly as possible to his/her supervisor or the Director of Personnel Services after the alleged harassment occurs.
2. The initial discussion between the complainant and the supervisor or Director of Personnel Services should be kept confidential, with no written record. Only those persons responsible for investigating and enforcing civil rights matters will have access to confidential communications.
3. The supervisor or Director of Personnel Services has the authority to make a good faith effort to resolve the complaint through informal processes at this stage. There may be cases that can be resolved through efforts of mediation and for which the alleged offender apologizes for her/his actions, etc.
4. If the complainant, after the initial discussion with the supervisor or Director of Personnel Services, decides to proceed, the complainant should submit a signed and dated written statement of what occurred to the Director of Personnel Services.
5. The Director of Personnel Services will inform the alleged offender of the allegation and of the identity of the complainant in writing. A copy will also be sent to the complainant. Efforts should be made to protect the complainant from retaliatory action by the person(s) named in the complaint.
6. In the event that an employee within the Personnel Division is named in the complaint, the complaint should be filed with one of the alternate Equal Employment Opportunity Officers designated by the County Executive who are: the Director of the Division of Workforce Development and the Director of the Division of Children and Family Services.
7. The Director of Personnel Services or alternate will investigate the complaint and prepare findings within thirty working days after receipt of the written complaint.
8. All findings will be presented for approval to the County Executive before being released to the complainant.