

NEW CASTLE COUNTY

PERSONNEL POLICY

NUMBER 5.10

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DATE 05/01/01

SUBJECT: HARASSMENT

APPROVED:



OBJECTIVE: The objective of this policy is to create an environment free from discrimination and harassment, including sexual harassment. It is expected that all relationships among persons in County Government will be on a professional level and free of bias, prejudice, and harassment. This policy applies all New Castle County employees.

STATEMENT: New Castle County is committed to a work environment in which all individuals are treated with respect and dignity. Harassment in any form will not be tolerated.

1. Sexual harassment directed to any employee, male or female, is a violation of State and Federal law. In accordance with the Equal Employment Opportunity Commission Uniform Guidelines, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:
 - (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - (b) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; and/or
 - (c) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, abusive, or offensive working environment.
2. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstance, these behaviors may include, but are not limited to:
 - (a) unwelcome sexual propositions;
 - (b) sexually graphic statements about an individual's body;
 - (c) remarks with a sexually demeaning implication;
 - (d) unwelcome touching, patting, or other physical contact of a sexual nature;
 - (e) unwelcome sexually explicit humor;
 - (f) displaying photographs, reproductions, or other potentially offensive images;
 - (g) suggesting or demanding sexual involvement which may include implied or explicit threats concerning one's job status or employment condition.
3. Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment consists of verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, citizenship, or any other characteristic protected by law, and that:
 - (a) has the purpose or effect of creating an intimidating, hostile, abusive, or offensive work environment;
 - (b) has the purpose or effect of interfering with an individual's work performance; and/or
 - (c) otherwise adversely affects an individual's employment opportunities.
4. Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; the open display of pictures or any objects of a sexually suggestive nature; written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls, elsewhere on the employer's premises, or is circulated in the workplace.

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Procedures:

1. Individuals who believe that they have observed or who are being subjected to discriminatory or offensive conduct as prohibited by this policy are encouraged to advise the offender that his or her behavior is unwelcome and to request that the conduct be discontinued. Oftentimes, this action alone will resolve the situation without the need for any formal action. However, if the offending conduct does not discontinue, the employee is required to initiate formal action as set forth below. Persons who, in good faith, report such violations shall not be subject to retaliation, retribution, or harassment as a result of their report.
2. Individuals who believe that they have observed or who are being subjected to any discriminatory or offensive conduct prohibited by this policy may, regardless of whether they have taken informal action, report any such conduct as soon as possible directly to their immediate supervisor and/or department general manager or row officer. The Chief Human Resources Officer shall be informed immediately of the complaint and shall assist in conducting the investigation.
3. In the event that the offender is the general manger or row officer, the individual shall report the behavior to the Chief Human Resources Officer who shall be responsible for the investigation.
4. An investigation shall include taking statements from the complainant, witnesses, co-workers, and the alleged harasser. The objective of the investigation is to ascertain the basis for the complaint while giving fair notice to the accused of the facts upon which the complaint is based. During the investigation, all complaints, statements of the complainant's alleged harasser, as well as statements of any witnesses or individuals providing facts or materials corroborating or defending the matter, shall be processed with utmost concern for confidentiality. Investigations shall be handled expeditiously, and the written report shall be forwarded to the Chief Human Resources Officer within 30 days following the receipt of the complaint. All records relating to a specific investigation shall be maintained by the Office of Human Resources for a four-year period.

REQUIRED ACTIONS:

All employees are responsible for compliance with this policy. The Chief Human Resources Officer shall be responsible for distribution of this policy to all employees. Department general managers and row officers are responsible for: (1) assessing situations, (2) making determinations as to the appropriate response, including disciplinary action if warranted, (3) responding to reports of or awareness of harassment, (4) investigating all incidents, and (5) providing appropriate documentation.

Established: 01/15/97
Revised: 04/15/01
Revised: 05/01/01