



## PIMA COUNTY, ARIZONA BOARD OF SUPERVISORS POLICY

Subject:

**PREVENTION OF SEXUAL HARASSMENT**

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### **PURPOSE**

This policy prohibits sexual harassment and provides direction designed to foster a positive work environment.

### **BACKGROUND**

Sexual harassment demeans and offends individuals who are subject to it. Such harassment interferes with County functions and operations. It can create unnecessary and unacceptable stress and impose significant costs, including decline in morale and decreased work effectiveness.

### **POLICY**

#### **I. DECLARATION**

It is Pima County's policy to establish and maintain a workplace environment free from all forms of illegal discrimination and from harassing, hostile and offensive conduct. Thus, Pima County prohibits sexual harassment.

- A. Specifically, the County prohibits verbal or physical conduct of a sexual nature that denigrates or shows hostility or aversion toward an individual, and that:
1. has the purpose or effect of creating an intimidating, hostile or offensive work environment;
  2. has the purpose or effect of unreasonably interfering with an individual's work performance, employment opportunities or conditions of employment.
- B. Prohibited conduct includes but is not limited to the following:
1. epithets, jokes, slurs, stereotypes, threats (subtle or blatant), unwanted touching and other hostile acts of a sexual nature.
  2. sexually written or graphic material that denigrates or shows hostility or aversion toward an individual or group, and that is placed on walls, bulletin boards, or elsewhere on the employer's premises, or circulated in the workplace including use of the County's e-mail system; and
  3. any unwelcome or unwanted sexual conduct; requests or demands for sexual favors (subtle or blatant).

C. Examples include, but are not limited to:

- Comments and questions about a person's sexual behavior
- Conversations filled with sexual innuendo and double meanings
- Comments about a person's body
- Suggestions of a sexual nature
- Offensive gestures or motions
- Staring or leering at a person's body
- Leaning over someone's shoulder
- Displaying or circulating sexually suggestive cartoons, letters, calendars, posters, pictures, magazines and other sexual paraphernalia
- Unwanted touching, holding, grabbing, hugging, patting, fondling, kissing or pinching
- "Accidental" collisions or brushing-up-against another
- Threats (subtle or blatant)
- Physical and/or sexual assault

**II. GUIDELINES**

- A. The determination of whether alleged conduct violates this policy is made upon a review of the totality of the circumstances, which includes an assessment of the nature and severity of the conduct and the context in which the conduct occurred.
- B. It is Pima County's intent to comply with existing federal and state discrimination laws. Accordingly, in response to any incident of alleged harassment, the County will consult and rely on the guidance provided by federal and state discrimination statutes, guidelines and policy guidance promulgated by the Equal Employment Opportunity Commission and relevant judicial decisions.

**III. COVERAGE**

This policy extends to all employees, applicants for employment and others in the workplace environment, including members of the public. Sexual harassment may be directed toward an employee by a manager, co-worker, subordinate, appointing authority, elected official, vendor, contractor or member of the public and may involve members of the same or opposite sex(es). Harassing conduct may be challenged even if the complaining party is not the intended target of the conduct.

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**IV. RESPONSIBILITY**

- A. Management is responsible for taking prompt and effective action against acts of prohibited harassment, regardless of the manner in which the County becomes aware of the conduct.
- B. Any employee of Pima County violating this policy is subject to disciplinary action, up to and including dismissal.
- C. It is a violation of this policy for a member of management who knows or reasonably should have known of the inappropriate conduct which constitutes prohibited harassment to fail to take prompt and effective corrective action, provided that if the management member does not have supervisory authority over the employee whose conduct is at issue, the management member shall report the relevant information to the Human Resources Department and to a management member with supervisory authority over the employee.
- D. In addition to taking prompt and effective corrective action, supervisory and management staff are required to:
  - 1. report all instances of alleged harassment to the Human Resources Department; and
  - 2. consult with and advise Human Resources Department of any disciplinary action to be taken.

**V. TRAINING/EDUCATION**

- A. All supervisory and management personnel shall participate in specialized tri-annual training/education activities on the prevention of workplace harassment – which includes mandatory sexual harassment prevention training.
- B. All new supervisors and managers shall receive training on the prevention of workplace harassment which is contained in the Level 1 Mandatory Management Training curriculum.
- C. Individual managers or supervisors named in a cause finding workplace harassment investigation shall be referred to Human Resources' Training Officer for one-on-one coaching.
- D. Departments with three or more cause findings within a two-year period will receive specialized training on the prevention of workplace harassment for all designated employees.
- E. All employees will sign for and receive a pocket guide on the subject of prohibited workplace harassment which gives notice of and contains information about this policy and the County's internal grievance process pursuant to Merit System Rules.

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- F. All newly-hired employees will receive educational information about the County's Workplace Harassment Prevention policy and the County's internal grievance system during New Employee Orientation.
- G. On-site workshops addressing Workplace Harassment Prevention will be made available for non-supervisory employees upon request of the Appointing Authority to the Director of Human Resources.

**VI. CONFIDENTIALITY**

To the extent feasible, information provided in the complaint and investigation process at both the informal and formal level will be treated as confidential; however, the County will disclose information if deemed reasonably necessary to investigate and take appropriate corrective action and/or if required by law.

**VII. PROCEDURE**

- A. Pima County is committed to the timely and effective resolution of complaints and the protection of the rights and safety of all parties involved. Anyone violating this policy is subject to disciplinary action, up to and including dismissal.
- B. Pima County employees who feel they may be targets of workplace harassment should report any and all incidents immediately to either their supervisor, division manager, appointing authority, elected official, the supervisor of the alleged harasser, or to Human Resources' Employment Rights.
  - 1. Employees who believe they are the target of harassment are not required to confront the alleged harasser.
  - 2. Any supervisory or management employee who becomes aware of any act that constitutes workplace harassment must take prompt and effective corrective action, including but not limited to:
    - (a) eliminating any discriminating, hostile or intimidating conduct from the workplace; and
    - (b) protecting the rights and safety of the affected employee; and
    - (c) protecting the rights of the alleged harasser by giving notice of the allegations which constitute the complaint; and
    - (d) carrying out or causing a prompt, thorough and impartial investigation; and
    - (e) notifying the affected employee and the alleged harasser of the outcome of the investigation and implementing corrective measures, if necessary; and

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- (f) reporting to the appropriate management member and to the Human Resources Department as described in Section IV. (C) and (D) above; and
- (g) following up with the affected employee to ensure that the workplace remains free of harassment.

C. Employees may file a grievance alleging discrimination on the grounds of harassment per Pima County Merit System Rules.

**VIII. MANDATORY COOPERATION**

All employees, supervisors, managers, appointing authorities, elected officials, or agents of Pima County Government shall cooperate with any investigation, grievance process or resolution, whether informal or formal. Any County employee who fails to cooperate and/or attempts to undermine or discourage use of or participation in an investigation or grievance process will be subject to discipline, up to and including dismissal. To enable the County to achieve the goals of this policy, the Human Resources Department shall have access to all relevant and necessary information.

**IX. NON-RETALIATION**

This policy prohibits retaliation against employees who bring discrimination charges or assist in the investigation of charges. Any employee bringing a complaint under this policy, or assisting in the investigation of such a complaint, will not be adversely affected in terms and conditions of employment, nor discriminated against or discharged because of the complaint. Anyone who engages in retaliatory action will be subject to discipline, up to and including dismissal.