

County of Cumberland Board of Commissioners	Policy Number: 4.11	Pages: 1 of 3
Chapter: General Procedures		Effective Date: February 28, 2023 Supersedes Policy #4.11 dated 09/01/2016
Subject: Harassment in the Workplace		

I. Policy

Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA). Cumberland County is committed to maintaining a work environment in which all individuals are treated with respect and dignity. Every individual has a right to work in a professional atmosphere that promotes equal opportunities and prohibits unlawful discriminatory practices, including harassment. At the County, discrimination or harassment based on a person's race, creed, color, national origin, nationality, ancestry, sex/gender (including pregnancy), affectional or sexual orientation, gender identity or expression, age, marital status, civil union status, domestic partnership status, familial status, religion, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability_or any other classification protected by federal, state, or local law will not be tolerated. Anyone found to be engaging in unlawful discrimination will be subject to disciplinary action, up to and including termination of employment. The County of Cumberland takes a zero-tolerance stance towards these types of transgressions.

II. Definitions

A. Harassment: Verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual - including but not limited to slurs, remarks, epithets, jokes, intimidating, or hostile acts based on an employee's membership in a protected class, when such conduct has the purpose or effect of:

- 1) Substantially interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment.
- 2) Otherwise adversely affecting an individual's employment opportunities; or
- 3) Unreasonably interfering with an individual's work performance

B. Sexual Harassment: Any unwelcome sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature when:

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- 1) Submission to 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 such individual; or
- 3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

III. Applicability of Policy

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

The prohibition against unlawful harassment applies to all applicants and employees, as well as contractors, customers, vendors, and guests. All County employees have a responsibility to keep the workplace free of unlawful harassment.

Such behavior is unacceptable in the workplace and anywhere work is conducted including, but not limited to, business trips, conferences, work-related travel, and business-related social events. It includes contacts over the telephone, voice mail, regular mail, email, facsimile machine, or any other electronic communication device. In addition, this policy is applicable to off duty conduct by County employees which may be deemed harassing or discriminatory towards other County employees. This policy also applies to conduct deemed to be harassing or discriminatory towards non-County employees during working hours or which could otherwise impact the delivery or performance of services by or to the County.

IV. Procedure

Prevention is the best tool to eliminate harassment in the workplace. Supervisors are encouraged to take appropriate steps to prevent and correct unlawful harassment. They should clearly communicate to employees that unwelcome harassing conduct will not be tolerated.

A. Any employee who believes that they have been subject to sexual or other unlawful harassment or discrimination must immediately contact their Department Head, Director of

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Human Resources, or the Deputy County Administrator. If the employee feels uncomfortable doing so, or if the Department Head is the source of, condones, or ignores the problem, the employee shall report the situation to the County Administrator. All employees, supervisors and managers must report any incident of unlawful discrimination or harassment they observe, even if they are not the target or victim of such conduct.

B. All complaints of harassment or discrimination will be promptly and thoroughly investigated. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation may include interviews with the person filing the complaint, the person(s) alleged to have committed the harassment or discrimination, and any pertinent witnesses to the conduct in question.

C. Upon request, the County may ask for a written complaint summarizing an individual's allegations and substantiating the allegation with sufficient information to allow an investigation to proceed. The need for a written complaint enables the County to determine the facts, circumstances, witnesses, and corroborating information that may be necessary to investigate to substantiate the employee complaint. The failure of a complainant to provide a written summary or narrative may preclude an investigation or an effective investigation of the complaint and may impede the employer's ability to take effective action to address the complaint and to assist the complainant with respect to the resolution of the complaint. The failure to file a written complaint together with supplemental requested information by the employer shall be deemed contrary to County policy and may result in a determination that the complaint cannot be substantiated and should be dismissed.

D. If it is determined that inappropriate conduct has occurred, the County will act promptly to eliminate the offending conduct. If it is determined that inappropriate conduct has been committed by an employee, the County will take appropriate disciplinary action. Such action may range from counseling to termination of employment. Once a party is on notice that such conduct will not be tolerated, a second inappropriate act of harassment or discrimination will result in termination of employment.

V. Protection from Retaliation

The County prohibits retaliation or revenge against anyone who has in good faith reported an incident of prohibited harassment or discrimination. Retaliation against any individual who provides information relevant to a claim of prohibited harassment or discrimination will be treated as a violation of this policy. Anyone who retaliates will be subject to discipline, up to and including termination of employment.