

Beaver County Jail Policy and Procedures

Document #: 1.10

revised 9/2016

Section: Administration, Organization & Management

Chapter: Management

Subject: Sexual Harassment

- I. **Policy:** Title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of race, color, sex, age or national origin. Sexual harassment is included among the prohibitions.

Sexual harassment, according to the Federal Equal Employment Opportunity Commission (EEOC), consist of unwelcome sexual advances, request for sexual favors or other verbal or physical acts of a sexual or sex-based nature where,

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - 2) An employment decision is based on an individual's acceptance or rejection of such conduct;
- Or
- 3) Such conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

It is also unlawful to retaliate or take reprisal, in any way, against anyone who has articulated any concern about sexual harassment or discrimination, whether that concern relates to harassment of or discrimination against, the individual raising the concern or against another individual.

Examples of conduct that would be considered sexual harassment or related retaliation are set forth in the Statement of Prohibited Conduct which follows. These examples are provided to illustrate the kind of conduct prescribed by this policy; the list is not exhaustive.

Sexual harassment is unlawful and such prohibited conduct exposes not only the County but individuals involved in such conduct, to significant liability under the law. Employees at all times should treat other employees respectfully and with dignity, in a manner so that as not to offend the sensibilities of a co-worker. Accordingly, the County is committed to vigorously enforcing its' sexual harassment policy at all levels.

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II. Procedures:

III. **General Information:** The County considers the following conduct to represent some of the type of acts which violate the sexual harassment policy:

a. **Physical assault of a sexual nature, such as:**

1) Rape, sexual battery, molestation or attempt to commit these assaults;

And

2) Intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body.

b. **Unwanted sexual advances, propositions or other sexual comments such as:**

1) Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated, in any way, that such conduct in his or her presence is unwelcome;

2) Preferential treatment or promise of preferential treatment, to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward;

3) Subjecting or threats of subjecting an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.

c. **Sexual or discriminatory displays of publications in the work place, such as:**

1) Displaying pictures, posters, calendars, and graffiti, and objects, promotional materials, reading materials or other materials that are sexually suggestive, sexually demeaning or pornographic.

A picture will be presumed to be sexually suggestive if it depicts a person of either sex, who is not fully clothed or in clothes that are not suited to or ordinarily accepted for, the accomplishment of routine work at the County. And who has posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.

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- 2) Displaying signs or other materials purporting to segregate an employee by sex, in any area of the work place, other than the restrooms and similar semi-private lockers/changing room.

d. Retaliation for sexual harassment complaints, such as:

- 1) Disciplining, changing work assignments of, providing inaccurate work information to or refusing to cooperate or discuss work related matters, with any employee, because that employee has complained about or resisted harassment, discrimination or retaliation;

And

- 2) Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct.

e. Other acts:

- 1) The above is not to be construed as an all-inclusive list of prohibited acts under this policy;
Sexual harassment is unlawful and hurts other employees. Any of the prohibited conduct described here, is sexual harassment of any one at whom it is directed or who is otherwise subjected to it. Each incident of harassment moreover contributes to a general atmosphere in which all persons, who share the victim's sex, suffer the consequences. Sexually oriented acts or sex-based conduct have no legitimate business purpose; accordingly, the employee who engages in such conduct should be and will be made, to bear the full responsibility for such unlawful conduct.

SECTION 3 – PENALTIES FOR MISCONDUCT:

Any employee's commission of acts of sexual harassment or retaliation against a sexual harassment complaint will result in appropriate sanctions, up to and including dismissal or criminal charges or both, if found to have engaged in both against the offending employee, depending upon the nature and severity of the misconduct.

A written record of each action taken, pursuant to this policy will be placed in the offending employee's personnel file. The record will reflect the conduct or alleged conduct and the warning given, or other discipline imposed or criminal charges or both, if found to have engaged in that conduct.

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SECTION 4 - PROCEDURES FOR MAKING, INVESTIGATING AND RESOLVING SEXUAL HARASSMENT AND RETALIATION COMPLAINTS:

a. **Complaints:**

Complaints of acts of sexual harassment and retaliation that are in violation of the sexual harassment policy will be accepted in writing, verbally or submitted anonymously; complaints will be taken seriously and investigated. A complaint need not be limited to someone who was the target of harassment or retaliation. Anyone who has observed sexual harassment or retaliation should report it to their immediate supervisor and/or the Warden. In the event that it would be inappropriate to report such concerns to one's immediate supervisors, the report may be made to the Warden and/or the Counties' Personnel Manager.

Only those who have an immediate need to know, including the person to whom a report was made, the alleged target of harassment or retaliation, the alleged harasser or retaliator and any witness, will or may find out the identity of the complainant. All parties contacted in the course of any investigation, will be advised that all parties involved in the charges are entitled to respect and that any retaliation or reprisal against an individual, who is an alleged target of harassment or retaliation, who has made a complaint or who has provided evidence in connection with a complaint, is a separate actionable offense and subject to discipline under this policy.

b. **Cooperation:**

An effective sexual harassment policy requires the support and example of personnel in position of authority. County agents or employees who engage in sexual harassment or retaliation, or fail to cooperate with County sponsored investigations of sexual harassment or retaliation may be severely sanctioned by suspension or dismissal. By the same token, officials who refuse to implement remedial measures obstruct the remedial efforts of other County employees and/or retaliate against sexual harassment complaints or witnesses may be immediately sanctioned by suspension or dismissal.

IV. **Sources:** PA Title 37 Chapter 95.221 (6) & (9), the County of Beaver (*Also refer to Policies 1.12-1.12d*)

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V. **Definitions:** Refer to Glossary attached to Policy 1.12

Warden Schouppe

Refer to Annual Review Page for Revisions & Reviews

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