


POLICY NUMBER: HR2025-001	POLICY TITLE: Harassment & Discrimination	
RESOLUTION NUMBER: XX-XX		
ORIGINAL ISSUE DATE: 06/07/2016 REVISION DATE: 10/07/2025	POLICY CONTACTS: Human Resources	
RELATED DOCUMENTS:	RELATED POLICIES: 2016 Harassment Policy, pursuant to Board Order C-10 dated June 7, 2016	

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SECTION I – PURPOSE

The purpose of this policy is to express the County of Humboldt's strong commitment to prohibit and prevent unlawful harassment, discrimination, and retaliation in county operations and to set forth a procedure for investigating and resolving internal complaints of such conduct. This policy prohibits treating any county employee, client, customer, or citizen in a discriminatory or harassing manner. This policy also advises employees of the procedures to report incidents of harassment by, or to, employees of the County of Humboldt. Conduct need not violate either federal or state law in order to constitute a violation of this policy.

SECTION II – APPLICABILITY

This policy applies to all County of Humboldt employees, including permanent, probationary, part-time, and extra help employees, as well as all volunteers, contract employees, private contractors, appointing authorities, boards, commissions, and elected officials. Harassment and discrimination are unlawful employment practices prohibited by state and federal law and are unacceptable work behaviors that will not be tolerated by the County of Humboldt. County employees are expected to adhere to a standard of conduct while on the job that conveys respect and courtesy towards other employees, county officials, vendors, and the public.

Staff should refer to the county's Workplace Violence Prevention Plan if they experience discrimination or harassment by a member of the public.

SECTION III – DEFINITIONS

DEFINITION(s): For the purpose of clarification, unlawful discrimination and harassment include, but are not limited to, the following behaviors:

Disparate Treatment: Treating an individual differently because of their protected status.

Disparate Impact: Following a policy or practice that has a discriminatory impact on a protected person or group of people.

Protected classes include: Race, color, ancestry, national origin, religion, creed, age (all ages), physical or mental disability, sex, gender (including pregnancy, childbirth, breastfeeding, or related medical conditions), sexual orientation, gender identity, gender expression, medical condition, genetic information, marital status, military or veteran status, and any other legally protected classes.

SECTION IV – POLICY

A. UNLAWFUL PROHIBITED CONDUCT: DISCRIMINATION, HARASSMENT, & RETALIATION

1. Examples of behaviors constituting Discrimination, Harassment and Retaliation, include, but are not limited to:
 - Verbal Abuse;
 - Visual Abuse;
 - Physical Abuse; and
 - Preferential Treatment.
- a) **Discrimination:** Adverse actions (e.g., disparate treatment or impact), decisions or other treatment affecting an employee and motivated by or directed toward the employee on the basis of a protected class including but not limited to those affecting hiring, placement, compensation, assignments, leave, promotion, training, disciplinary action, lay-off, recall, transfer, leave of absence, termination, and reinstatement.
- b) **Harassment:** Any unwelcome or offensive conduct motivated by or directed to a person on the basis of a protected class, including harassment of a person of the same protected class as the harasser.
- c) **Sexual Harassment:** Any unwelcome or offensive behaviors regarding sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. This also includes any unsolicited written or oral communications and physical or visual contact with sexual overtones including emails, internet links, screen savers, etc.

There are two common types of Sexual Harassment, which include:

- i. **"Quid Pro Quo"** Harassment: commonly referred to under the

California Civil Rights Department (CCRD) guidelines, as "conditional" harassment. Quid pro quo (this for that - i.e., something offered or given in exchange for something else) harassment occurs when submission to the harassing conduct described above is made an explicit or implicit term or condition of employment; or rejection of such conduct is used as the basis for employment decisions.

- ii. **"Hostile Environment"** Harassment: commonly referred to under CCRD guidelines as "work environment" harassment. Hostile environment harassment is unwelcome or offensive conduct that is sexual in nature or is motivated by or directed to an employee on the basis of gender with the purpose or effect of unreasonably interfering with an individual's work performance, or which creates an intimidating, hostile, or offensive work environment. The conduct need not be explicitly sexual to meet this definition and may include repeated or continuing unwelcome or offensive romantic advances, requests, invitations, or unwelcome or offensive overtures to express a romantic or intimate interest in another employee. Conduct creating a hostile work environment is a violation of this policy whether there is any tangible, adverse impact on the employee's job benefits.

- d) **Retaliation:** Adverse actions, decisions, or other treatment including but not limited to threats or coercion affecting an employee and motivated by or directed toward the employee on the basis of the employee's participation as complainant or witness in a report or complaint of discrimination, harassment, or retaliation, or the employee's participation in the investigation of such a complaint, including but not limited to actions, decisions, or other treatments affecting hiring, placement, compensation, assignments, leave, promotion, training, disciplinary action, lay off, recall, transfer, leave of absence, termination, and reinstatement.

B. RESPONSIBILITIES

1. It is the responsibility of all County of Humboldt employees to know and follow this policy and avoid engaging in any conduct that constitutes unlawful discrimination, harassment, or retaliation. All employees shall be informed of this discrimination and harassment policy and complaint process which ensures their right to file a complaint without fear of retaliation.
2. All County of Humboldt employees shall complete sexual harassment training pursuant to California Senate Bill 1343. All employees must attend sexual harassment training for a minimum of two (2) hours every two (2) years.

SECTION V – PROCEDURE

A. REPORTING

1. Notifying a perceived offender that a behavior is unwelcome and/or offensive may be an effective way to end the conduct. However, confronting the perceived offender may be difficult and complicated and is not required before initiating a formal complaint.
2. If for any reason, the incident remains unresolved, it is of the utmost importance for any person described in this policy, who believes that they have been subjected to unlawful discrimination, harassment, or retaliation, to report the incident immediately. The following step should be taken to report a complaint of discrimination, harassment, or retaliation: a complaint may be made orally or in writing and one report of the incident is sufficient. Employees are not required to follow their usual chain of command in making a complaint concerning unlawful discrimination, harassment, or retaliation. The person(s) to whom you may and are entitled to report your complaint include:
 - Your immediate supervisor
 - Any other supervisor or manager
 - The Department Head
 - Human Resources Department staff
 - The County Administrative Officer
3. Once a report is made, individuals retain the right to discuss the matter with the investigator and/or their representative. Individuals are advised to refrain from discussing the matter with other staff to maintain the integrity of the investigative process.

4. Prohibitions

- a) No one shall be subjected to retaliation or reprisal due to filing a complaint or participating in an investigation about harassment, discrimination, or retaliation.
- b) No person shall deliberately and knowingly make a false accusation against another person. Deliberate and knowingly false accusations of harassment, discrimination, or retaliation will result in disciplinary action if substantiated.
- c) No supervisor or manager shall attempt to suppress a complaint about harassment, discrimination, or retaliation. In considering whether a

complaint involves allegations that violate this policy, supervisors are urged to disclose the facts if there is any doubt rather than fail to disclose in cases where a violation of this policy may exist.

- d) Department Heads will be notified of complaints, unless the complaint involves the Department Head.
 - i. Department Heads shall forward all information related to allegations of prohibited harassment, discrimination, or retaliation to the Director of Human Resources or their designee.
- e) The results of the investigation shall be forwarded to the Department Head of the complaining employee, except and unless the Department Head is the person accused of prohibited conduct.
 - i. In the case of a Department Head being the accused, the results of the investigation will be forwarded to the appropriate authority for resolution. Under no circumstances shall a Department Head, alleged to have engaged in prohibited conduct, investigate the complaint.

5. Responsibility for Contractors

- a) County employees responsible for administering or monitoring the work of contractors shall assure that the contractors do not engage in harassment, discrimination, or retaliation of County employees.
- b) Contractors will be provided a copy of the County of Humboldt's Harassment & Discrimination Policy.
 - i. If inappropriate behavior by a contractor is committed or persists, necessary steps will be taken to prevent further harassment, up to and including the exclusion of the offending contractor and the procurement of another contractor.
 - ii. Contractors assigned any supervisory responsibilities shall have the same obligations as any regular supervisor under this policy.

6. Distribution

- a) This policy, including any revisions, shall be distributed to all County of Humboldt departments, including elected officials, managers, supervisors, and employees, as well as contractors as the need arises.

B. MANAGEMENT RESPONSE TO COMPLAINTS

1. Investigate

- a) All reports shall be promptly and thoroughly investigated by the Human Resources Department.
 - i. The Director of Human Resources may delegate the investigation to an appropriate designee.
 - ii. The depth of the investigation will vary depending upon the circumstances of each case, but management personnel will be sensitive and respectful of all persons involved in the incident during investigations.

2. Document

- a) All designated persons receiving complaints shall document the allegations reported, the investigation conducted, and the resolution decided upon.
- b) All investigations shall be thoroughly documented, and all interviews shall be audio recorded by County of Humboldt investigators.

3. Take action

- a) Where charges are substantiated, appropriate corrective action will be taken to remedy the situation and to prevent future episodes of inappropriate behavior.
- b) Appropriate corrective action, depending upon the circumstances, might range from participation in mandatory training, up to and including discharge from County of Humboldt employment consistent with the County of Humboldt Merit Systems Rules, or termination of a contract in the case of a vendor/contractor.

C. GENERAL RESPONSIBILITIES OF MANAGEMENT

1. Duty to implement policy

- a) All Department Heads, managers, and supervisors have the duty to implement and enforce this policy.

2. Educate, investigate, and cure

- a) Department Heads, managers, and supervisors have the responsibilities, as

appropriate for their level in the organization, to:

- i. Ensure all employees are aware that:
 - Harassment and discrimination are prohibited.
 - They have a right to make a complaint about such behavior.
 - They will be protected from retaliation.
 - Incidents should be reported to help ensure they will not recur.
 - Prompt and appropriate follow-up action will be taken.
 - Harassment and discrimination may be grounds for disciplinary action.
- ii. Ensure that all employees have a copy of this Harassment & Discrimination Policy, as amended.
- iii. Promptly and thoroughly report any complaint of harassment, discrimination, or retaliation to Department Heads, the Director of Human Resources, or their designee.
- iv. Take appropriate corrective action when warranted.
- v. Ensure that all County of Humboldt employees attend county-sponsored training in recognizing and preventing harassment on a bi-annual basis.
- vi. Maintain confidentiality of all complaints by limiting dissemination of information to only necessary parties.

3. Director of Human Resources

- a) The Director of Human Resources has the responsibility for:
 - Advising Department Heads on how to handle complaints under this policy.
 - Accepting claims from County of Humboldt officers, elected officials, and employees who believe they are being subjected to harassment, discrimination, and/or retaliation.
 - Investigating and attempting to resolve complaints.

SECTION VI – REFERENCES

- California Civil Rights Department (CCRD)
- Title VII of the Civil Rights Act of 1964

- County of Humboldt Abusive Conduct Policy
 - County of Humboldt Workplace Violence Prevention Policy
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Board Approved:

Pursuant to Board Order _____ Dated _____