
**DOUGLAS COUNTY ADMINISTRATIVE
POLICIES AND PROCEDURES**

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AUTHORITY: BOCC
COUNTY MANAGER: _____
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SUBJECT: ANTI-HARASSMENT POLICY

- I. SCOPE:** This policy applies to all employees, volunteers, including those employees and volunteers appointed by elected officials. The term “employee” is used comprehensively throughout the policy to include employees, appointed officials, elected officials, volunteers, and employees/volunteers appointed by elected officials.
- II. PURPOSE:** To establish Douglas County's commitment to providing a workplace free from harassment and to provide a defined avenue for reporting, investigating and resolving internal harassment complaints.
- III. POLICY:** Douglas County strictly prohibits workplace discrimination as set forth in Douglas County Code, Chapter 2.02.120. Unlawful workplace harassment is a form of discrimination which is prohibited by Douglas County. Workplace harassment includes sexual harassment and harassment because of a protected class such as race, color, national origin, ancestry, religion, sex, age, disability, sexual orientation, gender identity or expression of a person, pregnancy, genetic information, or any other class protected by federal, state or local laws. The following standards are adopted and are required to be considered carefully and followed:
1. Employees shall not engage in workplace harassment or discrimination, including harassment against another employee, member of the public, applicant for employment, independent contractor, or any other person encountered in the workplace or encountered during the course and scope of work.
 2. All employees, regardless of their positions, are covered by and are expected to comply with this policy and take appropriate measures, including mandatory reporting, to ensure prohibited conduct does not occur.
 3. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the severity or pervasiveness of the offense, disciplinary action up to and including termination, even for first-time violations may be warranted.
 4. Managers and supervisors who knowingly permit, tolerate, or ignore harassment or retaliation, including the failure to immediately report such misconduct to their immediate supervisor or the Human Resources Department are in violation of this policy and subject to disciplinary action up to and including termination.
- IV. DEFINITIONS AND GUIDELINES:** In compliance with all applicable federal, state laws and regulations, Douglas County enforces this policy in accordance with the following definitions and guidelines.
- A. Harassment.** It is an unlawful employment practice to unreasonably interfere with an employee’s work performance, conditions of employment, or create an intimidating, hostile or otherwise offensive environment based on the employee’s status or perceived status within a protected class as set forth in state and federal law, including: Nevada Revised Statutes Chapters 281 and 613 and Civil Rights Act of 1964 § 7, 42 U.S.C. § 2000e et seq. Harassment includes sexual harassment,

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and harassment because of race, color, national origin or ancestry, religion, sex, age, disability, sexual orientation, gender identity or expression, pregnancy, genetic information, or any other class protected by federal or state laws. Harassment can occur in a variety of circumstances, including, but not limited to the following:

- both the victim and the harasser may be of the same sex, opposite sex or belong to the same protected category;
- a harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker or a non-employee;
- the victim does not have to be the employee being subjected to the harassment, but could be any employee affected or offended by the conduct (referred to as third-party harassment);
- the harasser's conduct must be unwelcome and not reciprocated; or
- harasser's conduct may occur at any Douglas County facility or while the harasser or victim is acting in an official work capacity.

B. Sexual Harassment: Conduct or behavior of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other explicit or implicit communication or physical conduct of a sexual nature constitute sexual harassment, when the conduct or behavior 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. Examples of prohibited conduct/behaviors(s) include, but are not limited to:

- physical assault, threats of physical abuse, or impeding or blocking movement;
- unwelcome sexual advances, flirtations, invitations, or propositions – whether they involve physical touching or not;
- sexual epithets, derogatory comments, nicknames, name calling, teasing, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comments regarding an individual's body, comments regarding an individual's sexual activity, deficiencies, or prowess;
- displaying sexually suggestive objects, pictures, posters, cartoons or using electronic media, including County email, instant messaging, telephones, voicemail systems, or otherwise circulating or displaying sexually suggestive content in the workplace;
- leering, whistling, touching, patting, pinching or brushing against another person's body, sexual gestures, suggestive or insulting comments;
- inquiries into one's sexuality, gender, sexual experiences or discussion of one's own or others sexual activities; or
- Quid Pro Quo: when a supervisor or manager offers a subordinate an employment benefit in exchange for unwelcome dates and/or sexual favors.

C. Harassment Based upon a Protected Class (non-sexual harassment): Conduct or behavior related to a protected class, including, but not limited to: offensive verbal, physical or written communications, gestures or expressions, slurs, jokes, epithets, derogatory comments, degrading or suggestive words or comments, or unwelcome verbal or physical conduct based on a protected class, such as: race, color, national origin, ancestry, religion, sex, age, disability, sexual orientation, gender identity or expression, pregnancy, genetic information, or any other category protected by federal or state laws, when the conduct explicitly or implicitly affects an individual's

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employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. While it is not possible to list all circumstances, that may constitute harassment based on a protected class, the following are some examples:

- insults, labels, quips, expressions, or negative stereotyping that relate to any protected class;
- threatening, intimidating or hostile acts that relate to any protected class;
- teasing, joking, pranks or other forms of “humor” that are demeaning or hostile with regard to any protected category;
- voicing undesirable, objectionable, or unacceptable qualities or characteristics based on a person’s hair texture, natural hair styles, afros, bantu knots, curls, braids, locks or twists; or
- written or graphic material (including but not limited to graffiti, drawings, pictures, posters, or other objects) that denigrates or shows hostility or aversion toward an individual or group because of actual or perceived membership in any protected category, and that is placed on walls, bulletin boards or elsewhere on County property, or communicated via County email, instant messaging, telephones, voicemail systems, or is otherwise circulated or displayed in the workplace.

D. Equal Opportunity Employer Douglas County is an equal opportunity employer and does not discriminate against employees or applicants with regard to the terms, conditions and privileges of employment based upon race, color, national origin or ancestry, religion, sex, age, disability, sexual orientation, gender identity or expression of a person, pregnancy, genetic information, or any other category protected by federal¹ or state laws. For further information, see Equal Employment Opportunity (EEO) Policy, Douglas County Administrative Policies and Procedures No. 200.24.

V. PROCEDURE

A. Employee Responsibilities:

1. An employee who believes that he or she has been subjected to or has witnessed sexual harassment or harassment based on a protected class is encouraged, but not required, to promptly tell the person the conduct is unwelcome, undesirable, and offensive and ask the person to stop the conduct.
2. An employee who elects not to confront the alleged harasser, or if the conduct persists after an objection, the employee shall report the incident as set forth in subsection three (3) below. Employees have the responsibility to, and shall report incidents of workplace harassment to a supervisor, Department Head, Elected Official, County Manager or Human Resources. Employees are always entitled to consult an attorney, labor representative or to report the incident to the Nevada Equal Rights Commission (NERC) or the Equal Employment Opportunity Commission (EEOC.) When reporting, an employee is encouraged to complete the Anti-Discrimination & Anti-Harassment Workplace complaint form and provide supporting documentation, if any.

¹ Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, Genetic Information Nondiscrimination Act of 2008 and state law.

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3. Any employee who maliciously or knowingly files a false complaint of discrimination, harassment or retaliation will be subject to disciplinary action up to and including termination.
4. If the alleged harasser is an elected official, the employee who has been subjected to the harassment is encouraged to follow this policy and report the harassment to the County Manager or Human Resources to allow Human Resources to address the complaint in a timely manner. However, NERC also accepts complaints that allege a local elected official has engaged in an unlawful employment practice of discrimination pursuant to state and federal laws, including: NRS Chapters 281 and 613 and Civil Rights Act of 1964 § 7, 42 U.S.C. § 2000e et seq. NERC has the authority to take appropriate action, against the elected official, up to and including filing a complaint in district court seeking removal from office.

B. Management Responsibilities

Management at all levels of the County is responsible for preventing all harassment and discrimination in the workplace. All supervisory employees who witness such conduct or otherwise become aware of any allegations or complaints of such activity must report it to Human Resources or his/her supervisor, Department Head or Elected Official, immediately. Supervisory employees who witnessed or become aware, of such conduct are responsible to take the actions outlined here and must not require a written statement from the complaining employee before the supervisor fills out the Anti-Harassment & Anti-Discrimination Workplace complaint form or reporting the behavior to Human Resources. A supervisory employee's failure to immediately (i.e., without undue delay) report such activity, complaints or allegations will result in discipline up to and including termination.

C. Investigation and Resolution:

1. After notification of the employee's complaint, the supervisor, Department Head, or Elected Official shall promptly notify Human Resources. The person who receives the complaint must complete the Anti-Harassment & Anti-Discrimination Workplace complaint form, if not already completed, and obtain supporting documentation, if any, from the employee reporting the complaint. This information must be sent to Human Resources immediately.
2. If deemed appropriate by Human Resources, an investigation of the complaint will begin promptly.
3. Investigations will be conducted discreetly, with as little disruption to the workplace as possible. All information gathered in an investigation will be confidential, to the extent necessary, to conduct the investigation and to the extent allowed by law. The confidential nature of the investigative process will be conveyed to the complainant, the accused, and each witness.
4. Prior to the investigation or during the investigation, the supervisor, Department Head, or Elected Official in conjunction with Human Resources, is responsible for implementing interim or remedial actions to ensure the complainant is safe and not subject to further alleged harassment. Human Resources, an investigator, and/or staff may suggest remedial measures.

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5. At the conclusion of the investigation, Human Resources will notify the complainant the investigation is completed.
6. If warranted, the supervisor, Department Head, or Elected Official, after consultation with the Human Resources Director and District Attorney's Office, shall take corrective action, if appropriate. Corrective action that involves discipline is confidential. A record of all corrective actions taken must be sent to Human Resources.

VI. CONSENSUAL SEXUAL RELATIONSHIPS

- A. Employee Relationships.** Douglas County prohibits sexual relationships between a manager or other supervisory employee and an employee who reports directly or indirectly to that person either within the same department or different departments; where one party supervises or has management responsibilities over the other. Such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the same employee. Moreover, given the uneven balance of power within such relationships, consent by the employee is suspect and may be viewed by others, or at a later date by the employee, as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work environment.
- B. Mandatory Reporting.** If any employee of Douglas County enters into a consensual relationship that is sexual in nature with an employee who reports directly or indirectly to that employee, or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify the Human Resources Director, departmental senior management, or the County Manager. Because of potential issues regarding quid pro quo sexual harassment, Douglas County has made reporting mandatory. If there is such a relationship, the parties need to be aware that one or both may be moved to a different department or other actions may be taken as deemed necessary under this policy.
- C. Review.** Once the relationship is reported, the Human Resources Director and the Department Head or Elected Official will review the situation in light of all the facts (reporting relationship between the parties, effect on co-workers position responsibility and control of the parties, etc.) and will determine whether the employment of both parties, is reasonably appropriate to continue or if position changes must occur. The individual parties may decide to apply for open positions within the County, or if no such decision is made or employment attained, the Human Resources Director and Department Head or Elected Official will determine a reasonable course of action including, but not limited to demotion, termination of the relationship, or request for resignation. That decision will be based on what will be least disruptive to the department and County organization as a whole. The County has no obligation to create new position(s) for one or both of the parties.

VII. PROHIBITION AGAINST RETALIATION

Retaliation is adverse treatment with regards to the terms and conditions of employment, which occurs because of opposition to prohibited conduct/behavior(s) in the workplace. The County prohibits retaliation against any employee for opposing, reporting or threatening to report prohibited discrimination or harassment; or participating in any manner in an investigation, proceeding or hearing regarding a complaint of prohibited discrimination or harassment. The County will not retaliate against an employee

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who complains in good faith of prohibited discrimination or harassment and will not permit such retaliation by its employees. Any employee who believes he or she has been retaliated against in any manner whatsoever as a result of having filed a complaint, having assisted another employee in filing a complaint, or having participated in an investigative process should immediately notify a supervisor, Department Head, Elected Official, County Manager or Human Resources.