

# No Harassment and No Discrimination Policy

*Effective Date: Adopted 6/92; Revised 4/00; 4/06; 12/11*

**§-I. PURPOSE** To establish safeguards for employees against harassment and discrimination in the workplace that are consistent with federal employment law and guidelines enforced by the Equal Employment Opportunity Commission.

**§-II. SCOPE** Board of Commissioners' Employees.

## **§-III. POLICY**

Cobb County does not and will not tolerate harassment or discrimination of its employees. Toward this end, Cobb County will strive to create an environment free of harassment and discrimination. Included in this approach is the requirement of mandatory No Harassment training for all Board of Commissioners' employees, including supervisors, managers and Department/Agency Heads.

No supervisor or other member of management has the authority to suggest to any employee that the employee's continued employment or future advancement will be affected in any way by that employee's entering into (or refusing to enter into) any form of personal relationship with a supervisor or member of management.

Cobb County is committed to taking prompt and reasonable steps to investigate allegations of harassment and/or discrimination and to taking appropriate corrective action to eliminate harassment and/or discrimination.

Cobb County will not tolerate retaliation against an individual for reporting violations of this policy and/or for participating in an investigation of a complaint.

Violation of this policy will subject an employee to disciplinary action, up to and including immediate termination.

## **§-IV. DEFINITIONS**

A. Under this policy, the term "harassment" includes, but is not limited to, offensive slurs, jokes, comments, gestures, pictures, posters, objects or graffiti, and any other offensive verbal, graphic, or physical conduct relating to an individual's race, color, sex, religion, national origin, citizenship, age, or disability. Communications that are harassing include, but are not limited to, those conveyed in person, in writing, and via email.

B. Under this policy, "harassment" includes specifically "sexual harassment," which is a form of discrimination. "Sexual harassment" includes engaging in speech or conduct of a sexual nature which is known or should reasonably be known to be unwelcome. It includes, but is not limited to, sexual advances, requests for sexual favors, sexual remarks, suggestive comments and gestures, the display of sexually suggestive pictures, posters, objects or graffiti, offensive physical contact or touching, and other verbal, graphic, or physical conduct of a sexual nature. Such conduct is prohibited when it 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.

C. Under this policy, the term "discrimination" includes making employment decisions on the basis of an individual's race, color, sex, religion, national origin, citizenship, age, veteran status, or disability or engaging in practices that have the effect of discriminating against individuals on the basis of their race, color, sex, religion, national origin, citizenship, age, veteran status, or disability.

#### **§-V. PROCEDURES**

A. An employee should not assume that the County is aware of any problems s/he may be experiencing or that the County is aware of any problems being experienced by other employees. It is the responsibility of employees to bring any complaints or concerns to the County's attention so that they may be addressed. The following alternate avenues are available to employees to report acts they believe to be discriminatory or harassing:

(1) Any employee who believes s/he has been harassed or discriminated against by a supervisor, co-worker, contractor, vendor, or member of the general public must report the matter to his/her supervisor, Division Manager, Department/Agency Head, or chain of command immediately.

(2) Any employee who has knowledge or information that any other individual has been harassed or discriminated against by a supervisor, co-worker, contractor, vendor, or member of the general public must report the matter to his/her supervisor, Division Manager, Department/Agency Head, or chain of command immediately.

(3) Any employee who believes s/he or any other individual has been harassed or discriminated against by the employee's Department Head or Agency Head must immediately contact the County Manager or the Human Resources Director.

(4) Any employee who believes s/he has been harassed or discriminated against by any Department Head or Agency Head must immediately contact his/her Department/Agency Head, the Human Resources Director, or the County Manager.

(5) Any employee who believes s/he has been harassed or discriminated against, or has knowledge or information that any other individual has been harassed or discriminated against by an elected official must immediately contact the County Manager or the County Attorney.

(6) Any employee who believes s/he has been harassed or discriminated against, or has knowledge or information that any other individual has been harassed or discriminated against by the County Manager, must immediately contact a Commissioner or the County Attorney.

(7) As an alternative to the requirements for reporting outlined above, any employee who believes s/he or any other individual has been harassed or discriminated against may contact the Human Resources Director or the Employee Relations Specialist.

(8) Any employee who believes that his/her complaint has not been handled appropriately must contact the Human Resources Director.

B. Complaints will be promptly, thoroughly, and impartially investigated. Employees will be required to participate in an investigation and employees will be required to cooperate and provide full and truthful information. Failure to cooperate in an investigation, including the requirement to provide truthful information, may result in disciplinary action, up to and including termination. Once reported, complaints of harassment and/or discrimination cannot be withdrawn by the complaining employee(s).

C. When any supervisor or member of management, including the Department/Agency Head, receives a report of harassment and/or discrimination, the supervisor or member of management must notify and consult with Human Resources and/or the County Attorney's Office prior to commencing an investigation to determine the appropriate investigator and appropriate course of action.

D. All investigations will be reviewed by Human Resources and the County Attorney's Office prior to being finalized and prior to the results being discussed with employees.

E. Where violations of this policy have occurred, immediate and appropriate disciplinary action, up to and including termination, will be taken.

F. Complaints will be kept as confidential as possible within the confines of a reasonable investigation.

G. Employees will not be penalized for reporting conduct when they believe in good faith that there may be a violation of this policy.