

Activated: March 11, 2003

Revised: July 2017



COUNTY OF SANTA BARBARA- ANTI-HARASSMENT POLICY

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I. PURPOSES

The County of Santa Barbara values its employees and strives to provide a positive work environment where there is mutual respect and support. To foster such an environment, the County is committed to maintaining an environment that is free from unlawful harassment because of a protected classification protected by local, state, or federal law. Harassment based on a protected classification is strictly prohibited and the County will not tolerate, condone or trivialize any such harassment.

Accordingly, the purposes of this policy are to re-affirm the County's commitment to keeping its workplaces free of unlawful harassment, to define and provide examples of the conduct that is prohibited, to summarize the respective responsibilities for preventing, reporting, investigating, and responding to violations, and to give clear warning of the serious consequences that violators will face.

A copy of this policy shall be provided to all persons who are subject to it, and shall be posted in County workplaces.

II. POLICY

All of the following are prohibited by this policy, and by state and federal laws:

Harassment is a form of misconduct that undermines the integrity of the employment environment. This Policy prohibits all of the following:

- Harassment in any aspect of County employment, based on any legally protected characteristic or status, including that is protected by any federal or California state law or Santa Barbara County ordinance in effect at the time of the harassment. Those legally-protected categories currently include sex, (which includes pregnancy, childbirth, breastfeeding, and related medical conditions), gender (which includes gender identity and gender expression), sexual orientation, race, color, national origin, ancestry, religion, (which includes religious creed, observance, belief, and practice), age, (40 years or more), marital status, genetic information, military and veteran status, physical disability, mental disability, or medical condition;

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- ~~retaliation~~Retaliation for opposing, filing a complaint about, or participating in an investigation of, any such harassment;
- ~~aiding~~Aiding, abetting, inciting, compelling, or coercing any such harassment or retaliation, or attempting to do so.

~~The County will take all reasonable steps necessary to prevent such misconduct from occurring, and to remedy and punish any occurrences. Any County employee found to have engaged in such misconduct will be subject to disciplinary action, up to and including termination, and will, manager, supervisor, director official, intern or volunteer who violates this Policy shall be deemed to have acted outside the course and scope of his or her County employment, and is subject to appropriate discipline, including possible dismissal, as determined by the appropriate Department Head or appointing authority, after due consideration of the findings and recommendation(s) of the County Equal Employment Opportunity (EEO) Manager or his/her designee. Any contractor, vendor, or recipient of County services who violates this Policy is likewise subject to appropriate corrective action.~~

~~This policy applies~~The protections of this Policy extend to all County employees, volunteers, and interns, vendors, and contractors, as well as to all applicants for such positions, in all County workplaces, whether on-site or off-site. Compliance with this Policy is required of all County employees, volunteers, and interns, and applicants for such positions; all elected and appointed County officials; all bidders, vendors, contractors, and others doing or seeking to do business with the County; and all recipients of County services.

Adopted by Board of Supervisors March 11, 2003

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These protections apply to actions, whether or not intentionally offensive or specifically directed at a particular person or group that violate this policy.

This policy shall not be interpreted or applied in any manner that would be inconsistent with any applicable state or federal law or regulation, or increase the legal liability of the County.

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III. DESCRIPTIONS AND EXAMPLES OF PROHIBITED HARASSMENT

Harassment on the basis of sex is unlawful, and is prohibited by this policy. ~~Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when~~ There are generally two types of sexual harassment:

- ~~an individual's submission to such conduct is made, either explicitly or implicitly, a term or condition of that individual's employment; or,~~
- ~~an individual's submission to or rejection of such "Quid Pro Quo" (Latin for "this for that") sexual harassment is when someone conditions a job, promotion, or other work benefit on a person's submission to sexual advances or other conduct based on sex.~~
- ~~"Hostile work environment" sexual harassment occurs when unwelcome comments or conduct is used as the basis for an employment decision affecting that individual; or~~
- ~~the conduct has the purpose or effect of based on sex unreasonably interfering interfere with an individual's a person's work performance or creating create an intimidating, hostile, abusive, or offensive work environment. A person may experience sexual harassment even if the offensive conduct was not aimed directly at him or her.~~

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Sexual harassment need not be motivated by sexual desire or gratification, and may include nonsexual conduct motivated by the violator's hostility toward the victim's gender, or toward the victim's nonconformity to gender stereotypes. Sexual harassment includes not only conduct motivated by gender, but also by pregnancy, childbirth, ~~or a related condition breastfeeding, and any related medical conditions, and gender identity and expression.~~ A harasser may be either male or female, and the victim may be either the same sex or the opposite sex. Even a person who is not the intended target of harassment may be harassed by it, if he or she witnesses it in their immediate work environment.

The harassment must be severe or pervasive to violate this policy. That means that it alters the conditions of the person's employment and creates an abusive work environment. A single act of harassment may be sufficiently severe to violate this policy.

Sexual harassment may be verbal, visual, or physical. For example:

- Verbal harassment may consist of derogatory, offensive, threatening, or intimidating comments, graphic comments, sexually degrading words, or suggestive or obscene messages or invitations. epithets, slurs, or jokes; references to gender, physical appearance, attire, sexual prowess, marital status, or pregnancy; or sexual advances, propositions, or demands.

- Visual harassment may consist of displaying or circulating derogatory or offensive posters or signs, cartoons, drawings, photographs, pin-ups, computer images, or electronic media transmissions.
- Physical harassment may consist of assault, battery, or unwelcome, unnecessary, and offensive touching (kissing, hugging, patting, rubbing, groping, pinching, brushing against), staring, leering, gesturing, whistling or making noises, impeding or blocking movement, or physically interfering with normal work or movement.

In addition to prohibiting unlawful harassment based on sex or gender, this policy also prohibits unlawful harassment based upon sexual orientation, or upon any of the other legally protected characteristic or status, such as race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, or age categories listed above in Section II. Harassment on the basis of such factors is subject to the same principles applicable to sexual harassment, stated above.

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IV. REPORTING CONCERNS OF DISCRIMINATION, HARASSMENT OR RETALIATION

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A. Internal Reporting

Any County employee, volunteer, intern, vendor, contractor, or applicant who becomes aware of any harassment or retaliation prohibited by this policy shall report it immediately to their immediate supervisor, a higher ranking supervisor, the departmental affirmative action coordinator Human Resources Manager, Human Resources Director or her designee, or the County Equal Opportunity EEO Manager. Under no circumstances shall such a report be required or expected to be made to a person who engaged in misconduct that is a subject of the report.

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The responsibility to report conduct prohibited by this policy arises even if the conduct is directed toward someone else, and even if the person toward whom it is directed does not want it reported.

Reports may be made orally, or in writing, free of any requirements as to form.

Department Heads shall be responsible for communicating this Policy to their personnel and for coordinating and cooperating with the EEO Office in its investigation and resolution efforts.

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Because reports of conduct prohibited by this policy will be treated as serious charges, the making of a deliberately false report, or a report made with reckless disregard for its truth or falsity, may subject the maker to disciplinary action.

Employees and managers/supervisors are strongly encouraged to seek assistance early from the EEO Manager with any situation that they perceive has the potential of becoming a harassment situation in violation of this policy. The County's EEO Manager may be contacted by phone at (805) 568-2807 or by email at EEO-Mgr@co.santa-barbara.ca.us. The County's EEO Office is located at 105 E. Anapamu Street, Suite 403, Santa Barbara, CA 93101.

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B. External Agencies

The U.S. Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) also investigate and resolve employment discrimination, harassment and retaliation complaints. Employees who believe that they have been discriminated against, harassed, or retaliated against may file a complaint with either of these agencies using the following contact information:

- EEOC: (800) 669-4000 or TTY (800) 669-6820; or online at www.eeoc.gov
- DFEH: (800) 884-1684 or TTY (800) 700-2320; or online at www.dfeh.ca.gov

V. COMPLAINT INVESTIGATION AND RESOLUTION

The County of Santa Barbara will investigate all reported violations of this policy. All employees, volunteers, interns, vendors and contractors shall cooperate with any such investigation.

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Any supervisor, manager, or departmental affirmative action coordinator who receives a report of, or who becomes aware of, conduct prohibited by this policy shall promptly report it to the County Equal Opportunity EEO Manager. Upon receiving the report, the Equal Opportunity EEO Manager shall conduct a prompt, full, timely, thorough, and fair investigation, or delegate that responsibility to a qualified County employee or private investigator. The person performing the investigation shall:

- interview Interview the complainant, the accused, and any other person the investigator believes has reason to believe may have knowledge relevant to the charges reported concerns;
- gather Gather and review any identifiable and available documentary, electronic, or physical evidence relevant to the charges;
- consult Consult with legal counsel County Counsel as needed appropriate;
- determine Determine whether the charges reported concerns can or cannot be substantiated by the facts learned during the course of the investigation using a preponderance of the evidence standard of review; and,
- develop Develop recommendations for appropriate remedial and/or disciplinary action, if any, in conjunction with Human Resources, the affected Department and/or County Counsel, as appropriate.

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Upon completion of the investigation, the Equal Opportunity EEO Manager or his/her designee shall communicate the results of the investigation to the complainant affected employee, the accused alleged violating party, and the associated Department Head or his/her designee, as appropriate, all others directly concerned.

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To the extent permitted by law, confidentiality shall be maintained with respect to the complaint, the information gathered during the investigation, and the results of the investigation. The County cannot guarantee total confidentiality, but will protect the privacy of all involved parties as much as possible and in accordance with the applicable laws. Employees should not hesitate to contact the EEO Manager to help resolve a difficult, uncomfortable or threatening situation. Every effort will be made to take the complainant's wishes into consideration, particularly if there are informal ways to resolve the issue(s).

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VI. PROHIBITION AGAINST RETALIATION

It is a violation of this policy to retaliate against or harass any person who asserts his or her rights by engaging in protected activity, such as:

- Opposing discriminatory practices in the workplace;
- Complaining about prohibited conduct under this policy; or
- Participating in any way in an EEO complaint or investigation process.

It is also a violation of this policy to retaliate against or harass someone because of his or her association with such an individual. Acts of retaliation are subject to appropriate corrective action.

| up to and including dismissal.