

SECTION 1.04 PROHIBITED DISCRIMINATION HARASSMENT/INAPPROPRIATE CONDUCT

Jefferson County Board of Developmental Disabilities (JCBDD) is committed to providing a facility that is safe and free from unlawful discrimination and harassment. Unlawful discrimination or harassment is behavior directed toward an employee because of his/her membership in a protected class, such as race, color, religion, gender, national origin, age, disability, military status, genetic information, sexual orientation, gender identity, protected veteran status or other characteristics protected by law. Unlawful discrimination and harassment are inappropriate and illegal and will not be tolerated. All forms of unlawful discrimination and harassment are governed by this policy and must be reported and addressed in accordance with this policy.

Definitions

Unlawful discrimination occurs when individuals are treated less favorably because of their membership in a protected classification. JCBDD may not discriminate against an individual with respect to the terms and conditions of employment, such as hiring, promotions, raises, and other job opportunities, based upon the individual's membership in that protected class.

Harassment is a form of discrimination. Harassment may generally be defined as unwelcome conduct based upon a protected classification. Harassment becomes unlawful when:

1. Enduring the offensive conduct becomes a condition of continued employment; or
2. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Unlawful discrimination and harassment do not generally encompass conduct of a socially acceptable nature. However, some conduct that is appropriate in a social setting may be inappropriate in the workplace. A victim's perceived acquiescence in the behavior does not negate the existence of unlawful discrimination or harassment. Inappropriate conduct an employee perceives as being "welcome" by another employee may form the basis of a legitimate complaint.

Off Duty Conduct

Unlawful discrimination or harassment that affects an individual's employment may extend beyond the confines of the workplace. Conduct that occurs off duty and off premises may also be subject to this policy.

Workplace Romances

To avoid concerns of sexual harassment, preferential treatment and other inappropriate behavior, employees are required to inform their immediate supervisor, Human Resources Coordinator, or Superintendent if they currently are, or if they intend to become, romantically involved with a co-worker. Such relationships are not necessarily prohibited but must be appropriately addressed. Should JCBDD determine a conflict exists between an employee's employment and a personal relationship with a co-worker, JCBDD will attempt to work with the employees to resolve the conflict. Should operational needs prevent resolution, the relationship must cease or one or both of the parties may be separated from employment. Supervisors should refrain from engaging in romantic or sexual relationships with any employee they directly, or indirectly supervise.

Complaint Procedure

Employees who feel that they have been subjected to unlawful discrimination, harassment, or bullying by a fellow employee, supervisor, or other individual otherwise affiliated with JCBDD or members of the public, including vendors, must immediately report the conduct, using the Harassment Complaint Form located in the appendix, to Human Resources Coordinator, or Superintendent with a copy to their immediate supervisor. If the alleged harasser is Human Resources Coordinator or Superintendent, the employee may report the conduct to the Board President. Each of these persons will have the authority to investigate and take appropriate action concerning the complaint. Similarly, employees who have knowledge of discrimination, harassment, or bullying or who have questions or concerns regarding discrimination, harassment, or bullying must immediately contact their immediate supervisor or Human Resources Coordinator. Late reporting of complaints and verbal reporting of complaints will not preclude JCBDD from acting. However, employees are encouraged to submit complaints in writing and in an expedient manner following the harassing or offensive incident so that a thorough and accurate investigation may be conducted. All supervisors are required to follow up on all claims or concerns, whether written or verbal.

When JCBDD is notified of the allegation, it will promptly investigate the complaint. The investigation will include a review of the circumstances and facts under which the allegation occurred. The investigation may include interviews of the employee allegedly harassed, discriminated against, or bullied, the employee committing the alleged harassment, discrimination, or bullying, and any and all witnesses. Information will be kept as confidential as practicable, although confidentiality cannot be guaranteed, pursuant to applicable public records laws. An investigative file may be maintained, which may include statements of the complainant, person(s) committing the alleged harassment, discrimination or bullying and witnesses as well as any other related documentation. This file is a public record under Ohio Revised Code Section 149.43, except to the extent it contains records which are specifically exempt from disclosure. All employees are required to cooperate in any investigation. Determinations of harassment, discrimination, or bullying shall be made on a case-by-case basis. If the investigation reveals that the complaint is valid, prompt attention and corrective or disciplinary action designed to stop the harassment, discrimination, or bullying and prevent its recurrence will be taken.

Retaliation

Anti-discrimination laws prohibit retaliatory conduct against individuals who file a discrimination charge, testify, or participate in any way in an investigation, proceeding, or lawsuit under these laws, or who oppose employment practices that they reasonably believe discriminate against protected individuals, in violation of these laws. The law also prevents retaliatory conduct against individuals who are close personal friends or family members with an individual who engaged in protected conduct. JCBDD and its supervisors and employees shall not in any way retaliate against an individual for filing a complaint, reporting harassment, participating in an investigation, or engaging in any other protected activity. Any employee who feels that been subjected to retaliatory conduct as a result of actions taken under this policy, or as a result of his/her relationship with someone who took action under this policy, must report the conduct to his/her immediate supervisor, or to Human Resources Coordinator immediately.

False Complaints

Legitimate complaints made in good faith are strongly encouraged; however, false complaints or complaints made in bad faith will not be tolerated. Failure to prove unlawful discrimination or harassment will not constitute a false complaint without further evidence of bad faith. False complaints are a violation of this policy.

Corrective Action

If JCBDD determines unlawful discrimination, harassment, or retaliation has taken place, appropriate corrective action will be taken, up to and including termination. The corrective action will be designed to stop the unlawful conduct and prevent its reoccurrence. If appropriate, law enforcement agencies or other licensing bodies will be notified. Any individual exhibiting retaliatory or harassing behavior towards an employee who exercised a right under this policy, or a person who is a close personal friend or family member of someone who exercised a right under this policy, will be subject to discipline, as will any employee who has knowledge of unlawful conduct and allows that conduct to go unaddressed.

Coverage

This policy covers all employees, supervisors, and the Board. Additionally, this policy covers all suppliers, subcontractors, visitors, clients, volunteers, and any other individual who enters JCBDD property, conducts business on JCBDD property, or who is served by JCBDD personnel.