

MADISON COUNTY, VIRGINIA PERSONNEL POLICIES MANUAL

SEXUAL AND OTHER UNLAWFUL HARASSMENT

POLICY NO.	6.2	EFFECTIVE:	01/02/2024
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A. Policy

1. It is the County policy that sexual and other unlawful harassment of its employees in any form is prohibited and that all employees shall be treated with respect. Actions, words, jokes or comments based on an individual's sex, race, ethnicity, age, disability, religion or any other legally protected characteristic shall not be tolerated.
2. Any employee who engages in, perpetuates, or condones sexual and other unlawful harassment shall be subject to disciplinary action, including dismissal.
3. A non-employee who subjects an employee to harassment in the workplace will be informed of the County's policy and appropriate actions will be taken to protect the employee from future harassing conduct.

B. Definition

1. Sexual Harassment - Behavior that constitutes sexual harassment, as currently defined in guidelines published by the U.S. Equal Employment Opportunity Commission (EEOC), includes sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; and,
 - c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
2. Sexual Discrimination - The EEOC has determined that sexual harassment is a form of sexual discrimination.

3. Harassment - Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where:
 - a. Enduring the offensive conduct becomes a condition of continued employment, or
 - b. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
4. Employee - An individual employed by the County on a full-time, part-time, regular, grant, term or temporary basis is considered to be an employee for the purposes of this policy.

C. Persons Covered

Employees, as defined in Section 6.2.B-4 of this policy, are covered by the provisions of this policy.

D. Prohibited Conduct

The following types of conduct are examples of sexual or other unlawful harassment and are prohibited. These examples do not necessarily represent all the ways in which sexual harassment may occur and are not intended to limit the definition of sexual harassment.

1. Verbal comments and gestures of a sexual nature. This includes any type of sexually suggestive remarks, pictures, jokes and catcalls.
2. Explicit or implicit promises of career advancement or preferential treatment in return for sexual favors. Such promises or preferential treatment may include, but are not limited to, hiring, promotion, training opportunities, work scheduling and leave approval, acceptance of a lower standard of performance, providing higher performance evaluations and lax timekeeping.
3. Explicit or implicit threats that an employee shall be adversely affected if sexual demands are rejected. Such threats include, but are not limited to, lower performance evaluations, denial of promotions, punitive transfers, terminations and altered or increased work assignments.
4. Unsolicited and repeated touching of any kind. This includes the touching, patting or pinching of another person and repeated brushing against another person's body.

E. Investigation of Complaints

1. Employees who believe that they have experienced sexual or other inappropriate or unlawful harassment or who have been affected by such offensive conduct, shall notify the County Administrator, in writing, within two working days of the incident.
2. In the event that the offensive behavior was instigated by the County Administrator, the notification referenced above shall be made directly to the County Attorney. In the event of receipt of such a complaint, the Attorney shall follow the steps outlined herein for the County Administrator to take.
3. Upon receipt of the written complaint, the County Administrator shall order an investigation into the matter.

F. Confidentiality

1. Any complaint shall be handled in a confidential manner. Every effort shall be made, by all parties involved, to protect the confidentiality and privacy of all information and documents pertaining to a claim.
2. Persons designated by the County Administrator to conduct investigations shall not communicate the fact that an investigation is pending; nor, shall they communicate the contents and findings of such investigation except to the appropriate parties.
3. Breach of confidentiality may result in disciplinary action, including dismissal.

G. Frivolous and Groundless Complaints

1. The County's commitment to eliminate sexual harassment and other forms of unlawful harassment from the workplace does not grant license for employees to engage in unfounded, frivolous or vindictive actions in violation of the intent of this policy.
2. Where the results of an investigation reveal that a written complaint of sexual or other unlawful harassment is wholly frivolous or groundless, the employee having made such complaint may be subject to disciplinary action, including dismissal.

H. Policy Against Retaliation

Reprisal or retaliation is strictly prohibited. This includes both direct retaliation or reprisal, or the encouragement of others to engage in retaliation or reprisal against any person whom:

1. Opposes any conduct prohibited by this policy;
2. Complies or encourages others to comply with any provision of this policy;

3. Files a complaint concerning any violation of this policy;
4. Testifies, assists or participates in any investigation or hearing resulting from a complaint under this policy; or;
5. Exercises or attempts to exercise any right conferred under this policy.

I. Discipline

Any employee found to have engaged in sexual or other unlawful harassment, who is found to have knowingly condoned, encouraged or perpetuated an act or acts of sexual or other unlawful harassment; or, who is found to have in some way participated in retaliation or reprisal, shall be subject to disciplinary action, including dismissal.