



## Nondiscrimination and Anti-Harassment



### Policy A-HR-14

Date September 15, 2005  
Revised September 24, 2014

**Purpose:** Three Rivers District Health Department, (TRDHD), is committed to providing employees a professional working environment free of discrimination, harassment, and retaliation. TRDHD recognizes that a hostile working environment negatively affects the well-being, productivity, and efficiency of both the employee and the agency.

**Policy:** All discrimination, harassment, and retaliation complaints shall be investigated and resolved appropriately. Some conduct, which is appropriate in a social setting, may be inappropriate in the workplace. Conduct prohibited by this policy will not be tolerated within the workplace or in any work-related setting such as business trips or business-related social events. Unintentional behavior will not negate the existence of discrimination or harassment. All employees of TRDHD will be expected to comply with this policy as a condition of continued employment. Any employee who has questions or concerns should talk with their immediate supervisor or manager.

**Procedure:** Employees have a responsibility to become familiar with this policy, to assist in its enforcement, and to abide by its terms. Any employee who has knowledge of any inappropriate conduct and allows the conduct to go unaddressed may be subject to discipline. Offenders will be disciplined to reflect the seriousness of the violation without regard to their position or job performance. All reports of discrimination, harassment, and retaliation shall be kept in confidence, except as necessary to investigate the complaint and respond to any legal and/or administrative proceedings arising out of or relating to the report, or as otherwise provided by law.

#### I. Discrimination.

##### A. Definition.

1. Discrimination is an “unlawful employment practice” and is prohibited by law and this agency. Discrimination occurs when an agency or employee treats an employee differently on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law. Employees should not engage in discriminatory or acts of exclusion to avoid allegations of discrimination.

#### II. Harassment.

##### A. Definition.

1. Harassment is verbal, written, or physical conduct that demeans or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by the law. Examples of prohibited conduct includes, but is not limited to, labels, slurs or negative stereotyping; threatening, intimidating or hostile acts; demeaning jokes; and written or graphic material that shows hostility or aversion toward an individual or group that is circulated in the workplace or among co-workers using company equipment during or after work.

### III. Sexual Harassment.

#### A. Definition.

1. Sexual harassment is an “unlawful employment practice” and is prohibited by law and this agency. Sexual harassment occurs when unwelcome behavior of a sexual nature is directed toward an employee either verbally or physically by a supervisor, co-worker, clients, or outside visitors. Examples of prohibited conduct includes, but is not limited to, sexual comments, suggestions, jokes, leering, pats, squeezes or other similar contact; and posting of sexual pictures, cartoons, photos, or other graphics.

### IV. Filing a Complaint

- A. Whenever an employee observes or experiences behavior that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of unreasonably interfering with an individual’s work performance; or otherwise adversely affects an individual’s employment opportunities, a violation has occurred.
- B. If the employee feels able, TRDHD encourages individuals who believe they are being discriminated against or harassed to promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. If this action alone is not effective in resolving the problem, the employee should pursue the matter through complaint procedures.
- C. When an employee believes he or she is a victim of discrimination or harassment by another employee, or a member of management, or a vendor, the following procedures are to be followed:
  1. Employees are encouraged to report a verbal or written complaint to their immediate supervisor in a reasonable time period after the incident occurs. However, late reporting of a complaint will not preclude the agency from taking remedial action.
  2. If an employee feels it is inappropriate or is otherwise uncomfortable discussing the matter with his/her supervisor, the employee may bypass the supervisor and report it directly to the District Director, or another individual identified by the director.
  3. If the supervisor is the subject of a complaint, the District Director will conduct the investigation. If the District Director is the subject of the

complaint, the Board of Health may retain an attorney to conduct the investigation.

4. The complaint will be documented in writing or on audio. The report will include a factual description of the incident(s).
  5. If the investigator, after a discussion with the complainant and such witness as the investigator deems necessary, finds the complaint credible, the alleged offender will be advised of the complaint, be required to meet with the District Director, and be given the opportunity to respond.
  6. If the District Director has reason to believe that an act(s) in violation of this policy has taken place, the employee will be advised that such conduct is improper and in violation of agency policy and the law. The employee may also be subject to disciplinary action up to and including discharge in accord with the disciplinary procedures for local health departments.
  7. If the District Director determines the incident did not occur or if there is no credible evidence for the complaint, no document indicating that a complaint was filed or that an investigation was undertaken will be placed in the personnel file of either the complainant or the accused employee.
  8. If the complainant does not agree with the resolution, he or she can file a formal grievance in line with policy A-HR-16, or appeal the decision in writing for further investigation.
- D. When an employee believes he/she is a victim of discrimination or harassment by a member of the public or a vendor, the incident may be reported in the following manner:
1. The employee will notify any supervisor in the vicinity of the incident. If they are alone, they can contact their immediate supervisor.
  2. The supervisor will intervene in a manner he/she determines to be appropriate to alleviate the immediate situation.
  3. The complaint will be documented by the supervisor in writing or on audio. The supervisor will also document his/her action in response to the incident and submit it with the complaint to the District Director. The report will include a factual description of the incident(s).
  4. The District Director will determine if additional action is required.

#### V. Retaliation.

- A. This agency encourages reporting of all perceived incidents of discrimination or harassment. Agency supervisors and/or employees shall not in any way retaliate against an individual for filing a complaint, reporting discrimination or harassment, or participating in an investigation. Any person found to have retaliated against an individual for reporting violations of this policy will be subject to the same disciplinary action provided for offenders of this policy.

#### VI. False Complaint.

- A. Although legitimate complaints made in good faith are strongly encouraged, false complaints or complaints made in bad faith will not be tolerated. Failure to prove discrimination, harassment, or retaliation will not constitute a false complaint without further evidence of bad faith. If the District Director determines the

complaint was not made in good faith or that an employee has provided false information, the complainant may be subject to the disciplinary procedures for local health departments.

---

**District Director**

**Date**

---

**Chairperson, Three Rivers District Board of Health**

**Date**