

Harassment Policy and Complaint Procedure

315.1 PURPOSE AND SCOPE

To set forth the department policy regarding harassment and complaint procedures for reporting and responding to such conduct. This policy applies to all employees.

315.1.1 DEFINITION

Harassment - Includes, but is not limited to:

Speech, such as lewd propositioning, epithets, stereotypical or derogatory comments or slurs on the basis of race, color, national origin, ancestry, religion, gender, age, physical disability, mental disability, medical condition, marital status, pregnancy, or sexual orientation. This might include inappropriate sexual-oriented comments on appearance, including dress or physical features, or race/ethnicity-oriented stories or jokes.

Physical acts such as assault, impeding or blocking movement, or offensive touching, or any physical interference within normal work or movement when directed at an individual on the basis of race, color, national origin, ancestry, religion, gender, age, physical disability, mental disability, medical condition, marital status, pregnancy, or sexual orientation. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

Visual insults, such as derogatory posters, cartoons, or drawings related to race, color, national origin, ancestry, religion, gender, age, physical disability, mental disability, medical condition, marital status, pregnancy, or sexual orientation.

Unwanted sexual advances, request of sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unnecessarily interfere with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

315.2 AUTHORITY AND REFERENCES

- Executive Team;
- Board of Supervisors Policy C-25.

315.3 POLICY

The Riverside County Probation Department is committed to maintaining a work environment that is free of all forms of intimidation or harassment. This policy prohibits any form of harassment. Additionally, sexual harassment is prohibited by federal and state law.

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315.4 PROCEDURE

Employees who feel that they have been discriminated against or harassed should take the following steps:

- (a) The employee has an option to deal with the matter informally with the individual. He or she should notify the individual the particular behavior is offensive and unwelcome and it will be reported if it continues to occur. The employee should make a personal record of the date, time and summary of the conversation. This documentation can help explain what has already occurred, if the behavior continues and the employee needs to report it.
- (b) An employee has a responsibility to report harassment to a supervisor. Harassment or retaliation should be reported immediately in writing or verbally. An employee may report such activities even if he or she is not the subject of the harassment. The complaint will be fully and objectively investigated by a neutral third party.
- (c) Employees need **not** follow the chain of command when reporting incidents of discrimination or harassment. If an employee is uncomfortable reporting the matter to their supervisor, they are encouraged to notify any of the following:
 - any supervisor
 - any Director or Assistant Director
 - Director of Personnel Services
 - any Chief Deputy Probation Officer
 - Chief Probation Officer
 - County Human Resources Director
- (d) If the supervisor cannot resolve the situation, the matter will be forwarded to the Division Director or designee for immediate notification of the Director of Personnel Services who will notify the Chief Probation Officer or Chief Deputy Probation Officer, and will immediately notify and refer the complaint to the County Human Resources Director.
- (e) Feelings of harassment are the perception of the victim, not the perpetrator. Complaints can include non-County employees as well as vendors, clients, residents, and the general public.
- (f) All records and information relating to investigations of harassment and resulting disciplinary action shall be confidential, except to the extent disclosure is required by law, as part of the investigatory or disciplinary process, or otherwise.
- (g) The above procedures do not preclude an employee from filing a complaint with the County of Riverside Department of Human Resources or with state or federal compliance agencies, or from pursuing civil actions.
- (h) An employee will not be subjected to retaliatory action or reprisal as a result of filing a formal or an informal complaint.
- (i) Each employee is hereby advised that if an investigation regarding harassment so warrants, strict disciplinary action will be immediately taken against the offending

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party. The severity of the discipline which may include written reprimand, suspension, reduction in compensation or dismissal, will be determined by the facts and the totality of the circumstances of each specific case.

- (j) Training on harassment prevention is mandatory for all managers and supervisors every two years and for non supervisory/management staff every three years through the Staff Development Unit and County Department of Human Resources Center for Government Excellence, unless there is a change in the law or the County's policy C-25.
- (k) Managers and supervisors are responsible to act on harassment and/or discrimination incidents where they know or should have known of the incident by nature of their position (even if a complaint has not been made).
- (l) Whether the complaining party requests action or not, the manager or supervisor must follow through with the complaint process.
- (m) Managers or supervisors who fail to take action or follow the complaint process can and will be disciplined.
- (n) Harassment prevention requires:
 - 1. Exposure of all personnel to updated training and information;
 - 2. Taking complaints seriously;
 - 3. Assuring that all managers and supervisors take immediate and affirmative action;
 - 4. A thorough investigation of each complaint in accordance with the County's Harassment Policy and Complaint Procedure C-25; and
 - 5. Effecting appropriate remedies which may include disciplinary action in accordance with the County's Harassment Policy and Complaint Procedure C-25 (<http://www.rivcocob.org/board-policies/>).

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