

NEW CASTLE COUNTY

PERSONNEL POLICY

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| NUMBER | 5.10 |
| PAGE | 1 of 3 |
| DATE | 06-27-19 |

SUBJECT: HARASSMENT

APPROVED:

Jacqueline A. Jenkins, Ed.D.

OBJECTIVES: The objective of this policy is to prevent unlawful harassment in the workplace, including sexual harassment. This policy is further intended to provide a reliable and accessible reporting mechanism through which unlawful harassment can be reported, thereby enabling New Castle County (the "County") to promptly, thoroughly, and impartially investigate and correct harassing behavior. Finally, this policy is intended to assure individuals who report harassment or who provide information relating to such claims will be protected against unlawful retaliation. This policy applies to all County employees.

STATEMENT: New Castle County is committed to providing a work environment that is free of sex-based harassment, which includes harassment based on gender, pregnancy, childbirth or related medical conditions, sexual orientation, and gender identity, as well as non-sex-based harassment, which includes harassment based on any legally protected characteristic, such as race, color, religion, national origin, ancestry, citizenship, age, physical or mental disability, marital status, family responsibilities, genetic history, political affiliation, or any other categories protected by law.

The County prohibits and will not tolerate harassment of employees by managers, supervisors, or coworkers. Similarly, the County will not tolerate harassment by its employees of non-employees in the workplace.

A. Harassment Defined

Harassment is unwelcome conduct that is based on a protected characteristic. Harassment includes verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment that interferes with an employee's work performance. 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 in the employee's position would consider intimidating, hostile, or abusive.

1. Examples of Harassing Conduct

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, gestures, physical assaults or threats, intimidation, bullying, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.

2. Examples of Sexually Harassing Conduct

In addition to the examples described above, sexually harassing conduct also includes other unwelcome conduct, such as unwelcome sexual flirtations, advances, suggestions, or propositions; verbal abuse of a sexual nature; subtle pressure or requests for sexual activities; unnecessary touching of an individual; graphic comments about an individual's body or appearance; a display in the workplace of sexually suggestive objects or pictures; or sexually explicit or offensive jokes. Sexually harassing conduct can be by a person of the same or opposite sex.

3. Prohibition Against Retaliation

The County also prohibits retaliation against individuals for filing a discrimination complaint or charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under the anti-discrimination and/or anti-harassment laws, or opposing employment practices that they reasonably believe discriminate in violation of the law.

B. Reporting and Investigating Harassing Conduct

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Jacqueline A. Jabore, Es.D.

The County understands that victims of harassment may be reluctant to report acts of harassment for a variety of reasons, such as fear of being blamed, concerns about retaliation, or difficulty in discussing such matters. But no employee should have to endure harassing conduct, and, the County, therefore, requires employees to promptly report any incidents of harassment so that corrective action may be taken.

1. Reporting Harassment

Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop. However, an employee is never required to complain to the harasser and may, instead, report the harassment to any member of management, including through the following channels:

- Any incident of harassment observed by or directed towards non-sworn police personnel must be reported immediately to Human Resources, the general manager, or row officer.
- Any incident of harassment observed by or directed towards sworn police personnel must be reported immediately to the complainant's commanding officer and/or Chief of Police. In the event that the commanding officer and Chief of Police are alleged to be involved in the harassing conduct, the report may be made to the Chief Administrative Officer or Chief Human Resources Officer.

Employees should report harassment at an early stage to prevent its escalation.

A supervisor or manager who receives a complaint or who observes harassing conduct must immediately inform Human Resources or other appropriate County official so that an investigation may be initiated.

The County will treat the harassment complaint as confidential to the extent possible and information about the complainant will be shared only on a need-to-know basis.

2. Investigating Harassment

For complaints involving non-sworn police personnel covered by this policy, the Chief Human Resources Officer or his or her designee shall be responsible for investigations of harassment. For complaints involving sworn police personnel, the Professional Standards Unit shall be responsible for investigations of harassment, however, a complaint may be referred to an external law-enforcement agency for investigation.

Every reported complaint of harassment will be investigated thoroughly and promptly by an impartial investigator. Typically, the investigation will include the following steps: (1) an interview of the complainant to obtain complete details regarding the alleged harassment; (2) an interview of the alleged harasser; and (3) interviews of any employees who may have witnessed or who may have knowledge of the alleged harassment.

The investigating official will notify the complainant of the results of the investigation. The investigation will be handled in as confidential a manner as possible consistent with a full, fair, and proper investigation. Depending on the case, the investigation may require more time to complete but the County will endeavor to complete its initial investigation within thirty (30) days of receipt of the complaint. Upon completion of the initial investigation, the investigator shall, in most cases, forward a written report to the Chief Human Resources Officer summarizing the scope of the investigation and the investigator's findings.

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APPROVED:

Jeanelle A. Johnson, E.D.

C. Corrective Action

If harassment or retaliation is determined to have occurred, the County will take immediate and proportionate corrective action to stop the conduct and prevent it from occurring in the future. Corrective action may include, training, referral to counseling, and/or disciplinary action ranging from a verbal or written warning to termination of employment.

Prompt, impartial, and thorough investigations are critical to the prevention and correction of harassing conduct. Employees who fail to cooperate fully in an investigation conducted under this policy, including by refusing to provide information or documents, or by providing incomplete, misleading, or untruthful information, will be subject to corrective action.

Established: 01/15/97
Revised: 04/15/01
Revised: 05/01/01
Revised: 06/27/19