

TRUMBULL COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

Policy

Section 3.28

PROHIBITION OF SEXUAL HARASSMENT AND OTHER FORMS OF DISCRIMINATORY HARASSMENT (INCLUDING DATING/CONSENSUAL RELATIONSHIP PROVISION)

Purpose:

In order for the Trumbull County Board of Developmental Disabilities to carry out its mission of providing choices, opportunities, and resources that enable children and adults with developmental disabilities to fully reach their potential as members of the community, the cooperation, respect, and commitment of every employee is essential. Intolerance and/or disrespect in the form of explicit bias, prejudice and harassment is unacceptable and will not be tolerated within the Board.

Policy:

It is the policy of the Board that all persons enrolled in Board programs and employees should be able to enjoy a work environment and a job site free from all forms of discrimination, including gender-based discrimination due to sexual harassment. Discriminatory harassment of persons enrolled or employees at all levels by any person, in any form, are prohibited and will not be tolerated by the Board.

Discriminatory harassment is a form of misconduct that undermines the integrity of the employment relationship. No person served or employee should be subjected to any type of harassing conduct based on race, color, gender (including pregnancy and gender identity or expression), creed, culture, sexual orientation, spiritual beliefs, disability, age, national or ethnic origin, language, socioeconomic, marital, or veteran status, the inability to pay, or any other characteristic protected by law. . The Board will take preventative and immediate remedial steps to stop discriminatory harassment from occurring.

Sexual Harassment Defined:

Sexual Harassment is specifically prohibited. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior which is not welcome, which is personally offensive, which debilitates morale, and which, therefore, interferes with work performance.

Sexual harassment, whether committed by supervisory or non-supervisory personnel, is a form of sex discrimination. Sexual harassment, as defined by the Equal Employment Opportunity Commission, includes three situations in which unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex (gender) constitutes sexual harassment:

1. When submission to the conduct is an explicit or implicit condition of employment;
2. When submission to or rejection of the conduct is used as the basis for an employment decision(s); or

3. When such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment is not only a violation of Board policy but of state and federal law. In some cases, offensive sexual contact may be a criminal violation. Further, pursuant to this Board's policies, any type of discriminatory treatment or harassment of another will result in disciplinary action up to and including termination from employment.

Employees, applicants, or persons enrolled in the program, who believes they have witnessed or have been the subject of discriminatory harassment should report the alleged act immediately to their supervisor, Department Director, the Human Resource Director, or other leadership employee. The election of whom to file the notice or complaint with rests with the individual, irrespective of the chain of command. Information disclosed shall be held in confidence to the extent allowable by law and will be revealed on a need-to-know basis as may be reasonably necessary in order to promptly investigate and resolve the matter. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant information.

Consensual Romantic or Relationships:

The Board strongly discourages romantic or sexual relationships between a director or other supervisory employee and an employee who reports directly or indirectly to that person, because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff employee. Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others, or at a later date by the staff employee, as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work environment. If there is such a relationship, the parties need to be aware that one or both may be moved to a different department or supervisor, or other actions may be taken.

If any employee of the Trumbull County Board of Developmental Disabilities enters into a consensual relationship that is romantic or sexual in nature with an employee who reports directly or indirectly to that employee, or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify the Human Resource Director or the Superintendent. Because of potential issues regarding quid pro quo harassment, the Board has made reporting mandatory. This requirement does not apply to employees who do not work in the same department or to parties where neither one supervises or otherwise manages responsibilities over the other.

Once the relationship is made known, the Board will review the situation with the Human Resource Director in light of all facts (reporting relationship between the parties, effect on co-workers, job titles of the parties, etc.) and will determine whether one or both parties need to be moved to another position, department, or supervisor. If it is

determined that one party must be moved from their position and department, and there are positions in other departments available to both, the parties may decide who will be the one to apply for a new position. If the parties cannot amicably come to a decision, or the party is not chosen for the position to which they applied, the Human Resource Director and the Superintendent will decide which party will be moved. That decision will be based on which move will be least disruptive to the organization as a whole. If no other position is available for either party, the parties will be given the option of terminating their relationship or resigning.

Retaliation:

No Hardship, loss, benefit, or penalty will be imposed on an employee in response to:

1. Filing or responding to a bona fide complaint of discrimination or harassment
2. Appearing as a witness in the investigation of a complaint
3. Serving as an investigator of a complaint

Making a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Any person who is found to have violated this aspect of the policy will be subject to discipline up to, and including, termination of employment with the Board.

Adopted: 5/26/98
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 Revised: 10/25/2021

References:
 Section 703(a)1, Title VII
 Civil Rights Act of 1964
 42 USC 2000(e)(2)(a); 29 CFR 1604.11


 Board President


 Superintendent