



## Fresno County Board of Supervisors

# ADMINISTRATIVE POLICY

## NUMBER 32 Discrimination/Harassment

Effective Date: December 3, 1991

Revision Date: April 26, 2016

November 3, 2020

### **POLICY STATEMENT**

It is the policy of the County of Fresno that all forms of discrimination and harassment (including sexual harassment) are improper and will not be tolerated. Fresno County will make every effort to ensure that all personnel are familiar with the policy and complaint procedure and know that any complaint received will be thoroughly investigated and appropriately resolved. This policy applies to all County employees, elected officials, volunteers, interns, vendors, and contractors, as well as to all applicants for such positions.

The following are prohibited by this policy, and by State and Federal laws:

- **Discrimination** in any aspect of County employment, based on any legally protected characteristic or status, including race (inclusive of traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as braids, locks, and twists), color, religion, religious creed (all aspects of religious beliefs, observance or practice, including religious dress or grooming practices), national origin, ethnic origin, immigration status, ancestry, citizenship, disability (physical, mental or special education), medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 years and older), sexual orientation, veteran and/or military status, leave from work protected under Federal and/or State law, domestic violence victim status, political affiliation, as well as any other basis protected by Federal and/or State law.
- **Harassment** in any form (verbal, nonverbal, visual or environmental) of any person based on any legally protected characteristic or status as set forth above. Harassment is generally defined as verbal, physical, or visual conduct that creates an intimidating, offensive, or hostile work environment, or that interferes with an employee's work performance, and that is based on a protected status as defined under Discrimination.

Harassing conduct can take many forms and may include, but is not limited to, the following: slurs, jokes, statements, gestures, assault, impeding or blocking another's movement or otherwise physically interfering with normal work, pictures, drawing, or cartoons, violating someone's "personal space", foul or obscene language, leering, stalking, noises, unwanted

or offensive letters or poems, offensive emails, texts, gifs, memes, or voicemail messages. This includes harassment based on an individual's gender including conditions of pregnancy; childbirth; breastfeeding; or related medical conditions; gender identity; or gender expression.

- Sexual harassment does not need to be motivated by sexual desire to be unlawful or to violate this policy. Furthermore, sexually harassing conduct can be by a person of either the same or opposite sex and occur in any form such as (1) submission to the wrongful conduct is made either an explicit or implicit condition of employment; or (2) submission or rejection of the conduct is used as the basis for an employment decision.

Sexual harassing conduct in particular may include all of the above mentioned prohibited actions, as well as other unwelcome conduct, such as: requests for sexual favors, conversation containing sexual comments, and other unwelcome sexual advances. For example, prohibited sexual harassment includes, but is not limited to, such things as:

- Verbal – sexual innuendoes, sexually suggestive or degrading comments, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or graphic commentaries, text messages, gifs, or memes.
  - Nonverbal – displaying sexually suggestive objects, derogatory or sexually oriented posters, photography, cartoons, drawings or making suggestive or insulting sounds, leering, whistling, or obscene gestures.
  - Physical – offensive touching, brushing against a person's body, assault, unwanted hugging or kissing, or impeding or blocking a person's normal movements, or any interference with normal work or movement that a reasonable person would find has altered working conditions as to make it more difficult to do his or her job.
- Retaliation for engaging in any activity protected by law or public policy is prohibited.

## **MANAGEMENT RESPONSIBILITY**

The County Administrative Officer and each department head shall take reasonable steps necessary to prevent such misconduct from occurring in any manner prohibited by this Policy. Departments shall clearly communicate to employees that discrimination and harassment in any form will not be tolerated and that anyone found to have engaged in such misconduct will be subject to immediate and appropriate corrective action. Appropriate corrective action may include disciplinary action, up to and including termination of employment from County service.

If an allegation of discrimination and/or harassment has been received, or there is reason to believe it is occurring, the County Administrative Officer and/or department head are responsible for working cooperatively to ensure that the matter is impartially examined/investigated and promptly resolved. If the allegation is determined to be credible, the department will take immediate and effective measures to end the misconduct through appropriate corrective action.

It is the responsibility of every manager and supervisor to create an atmosphere free of all forms of discrimination and harassment. Managers and supervisors are required by law and this policy to promptly report any conduct or incident to the Department of Human Resources so the investigative process may begin. Failure by any manager or supervisor to report known or suspected incidents may be subject to disciplinary action.

**EMPLOYEE RESPONSIBILITY**

All County employees and elected officials, volunteers and interns are required to comply with this policy. Employees are expected to behave professionally and to exercise good judgment in work-related relationships, whether with fellow employees, business colleagues or members of the public with whom they come into contact during the course of official duties. Further, all employees are expected to take appropriate measures to prevent discrimination and harassment.

**REPORTING DISCRIMINATION AND HARASSMENT**

The discrimination complaint procedure is available for an individual who believes they have been subjected to discrimination or harassment. Please refer to Fresno County Administrative Officers Management Directive, Chapter 200, Subject 210 – Discrimination Complaint Procedure.