

LAKE COUNTY BOARD OF DD/DEEPWOOD

BOARD POLICY

Reviewed and Adopted by the Board:
Date: May 24, 2021

Signature on File
Elfriede Roman, Superintendent

I. SUBJECT: PROHIBITION OF SEXUAL HARASSMENT & OTHER UNLAWFUL HARASSMENT OR DISCRIMINATION; REPORTING & COMPLAINT PROCEDURE

II. PURPOSE:

To confirm and clearly communicate the Board's policy strictly prohibiting sexual harassment and other unlawful harassment and discrimination in the Board's workplace and the Board's procedure for reporting incidents of sexual harassment and other unlawful harassment or discrimination

III. REFERENCES:

29 CFR Chapter XIV Equal Employment Opportunity Commission § 1600-1699
www.eeoc.gov. Equal Employment Opportunity Commission
Ohio Revised Code § 4112.02 Unlawful Discriminatory Practices
LCBDD/DEEPWOOD Policy B-13 Equal Employment Opportunity
LCBDD/DEEPWOOD Policy D-2 Nondiscrimination

IV. POLICY:

A. Statement of Board Philosophy

The Lake County Board of Developmental Disabilities/ Deepwood (the "Board") is committed to maintaining a work environment in which all employees can work free of harassment or discrimination of any kind. Therefore, the Board strictly prohibits the unlawful harassment of, or discrimination against, any employee by any other employee, provider or recipient of Board services or their representatives, volunteer, contractor, vendor, visitor, or other.

B. Definition of Sexual Harassment

Sexual harassment is defined as unwelcome and unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature when: (1) submission to or rejection of this conduct by an individual

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is used either explicitly or implicitly as a factor in decisions affecting hiring, evaluation, promotion, or other aspect of employment; or (2) this conduct substantially interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Prohibited sexual harassment includes, but is not necessarily limited to: unwanted or offensive sexual flirtations, advances, or propositions; verbal abuse of a sexual nature; graphic commentaries about an individual's body, sexual prowess, or sexual deficiencies; sexually degrading words used to describe an individual; leering; inappropriate whistling; unwanted touching; coerced sexual acts; suggestive, insulting, obscene comments or gestures; and, the display of sexually suggestive or graphic objects or pictures in the workplace.

C. Other Unlawful Harassment or Discrimination

Employees of this Board have the right to be treated equally and with due respect regardless of race, color, religion, sex, national origin, gender, gender identity/expression, sexual orientation, marital status, disability, age, ancestry, military status or other protected status. Any conduct by any individual covered by this policy that substantially interferes with an individual's employment or creates an intimidating, hostile or offensive work environment on the basis of such protected status, may constitute unlawful harassment prohibited under this policy.

Prohibited harassment includes, but is not necessarily limited to: epithets; slurs; derogatory jokes; negative stereotyping; circulating or posting written or graphic material within the workplace that shows hostility toward a person or group of people; expressions of disgust or intolerance or any other statements or acts that show hostility toward a person or group of people.

This policy also prohibits the use of any such protected status, explicitly or implicitly, as a factor in decisions affecting hiring, evaluation, promotion, or other aspects of employment.

D. Individuals Covered Under This Policy: Scope of This Policy

This policy covers all Board employees, including both supervisory and non-supervisory employees; any individual or representative of companies providing goods or services to the Board; any individual or representative of individuals receiving Board services; any volunteer performing volunteer services for the Board; and any other visitor or person in the Board's workplace. Sexual harassment and other unlawful harassment or discrimination is unacceptable in the Board's workplace and in other Board related settings such as business trips and Board-related public and social events.

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E. Specific Statement of Prohibition of Sexual Harassment and Other Unlawful Harassment and Discrimination

No supervisor shall engage in sexually harassing conduct or other unlawful harassment or discrimination in the Board's workplace. No supervisor shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances, will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other term or condition of employment or career development.

No non-supervisory employee shall engage in sexually harassing conduct or other unlawful harassment or discrimination in the Board's workplace.

No individual or representative of companies providing goods or services to the Board, individual or representative of individuals receiving Board services, volunteer performing volunteer services for the Board, or visitor or other person shall engage in sexually harassing conduct or other unlawful harassment or discrimination in the Board's workplace.

SEXUAL HARASSMENT OR OTHER UNLAWFUL HARASSMENT OR DISCRIMINATION IN THE BOARD'S WORKPLACE BY SUPERVISORS OR EMPLOYEES OF THE LAKE COUNTY BOARD OF DD/DEEPWOOD CONSTITUTES A SERIOUS DISCIPLINARY INFRACTION THAT MAY LEAD TO DISCIPLINE UP TO AND INCLUDING THE POSSIBILITY OF DISCHARGE.

Sexual harassment or other unlawful harassment or discrimination in the Board's workplace by individuals or representatives of companies providing goods or services to the Board, by individuals or representatives of individuals receiving Board services, by volunteers, or by others will be dealt with on a case-by-case basis through prompt and appropriate corrective action.

V. REPORTING AND COMPLAINT PROCEDURE:

It is the Board's policy to thoroughly investigate and remedy any known incidents of sexual harassment or other acts of unlawful harassment or discrimination in the Board's workplace. Accordingly, employees who experience or witness sexual and other unlawful harassment or discrimination must immediately report it to management using the following steps:

- A. The employee shall immediately contact any one or all of the following: 1) the employee's immediate supervisor; 2) the alleged offending party's immediate supervisor; or 3) the Director of Human Resources at 440-350-5060.

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- B. Employees who feel they have been sexually harassed or otherwise harassed or discriminated against by anyone with supervisory authority, or anyone who feels their complaints of sexual or other harassment or discrimination have not been remedied shall immediately contact the Director of Human Resources at 440-350-5060.
- C. Any supervisor experiencing, witnessing, or receiving a report or complaint of sexual harassment or other unlawful harassment or discrimination shall immediately contact the Director of Human Resources at 440-350-5060. Upon receiving a complaint of sexual harassment or other unlawful harassment or discrimination from an employee or supervisor, the Director of Human Resources shall initiate an investigation in accordance with the investigation procedure developed and maintained by that office.

VI. OTHER IMPORTANT COMPONENTS OF THIS POLICY

- A. Protection Against Retaliation
The initiation of a complaint of sexual harassment or other unlawful harassment or discrimination will not affect the complaining employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development, unless the complaint is knowingly and intentionally false or misleading.

No employee, witness, or other reporting person will be retaliated against for cooperating in the investigation of a complaint of sexual harassment or other unlawful harassment or discrimination, unless the complaint, testimony or report is knowingly and intentionally false or misleading.
- B. Employee Cooperation in Investigations
The failure or refusal of an employee to cooperate in an investigation of a complaint of sexual harassment or other unlawful harassment or discrimination may result in disciplinary action unless the failure or refusal to cooperate is based on the good faith exercise of the Fifth Amendment right to be free of compelled self- incrimination.
- C. Fairness and Confidentiality
Investigations of complaints of sexual harassment or other unlawful harassment or discrimination will be conducted fairly and with due regard to the dignity of the reporting person or any other witness, and the individual against whom the complaint report is directed. Appropriate efforts will be made to keep such investigations confidential to the extent permitted by law. A record of the investigation and its resolution shall be created and if substantiated, they will be

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maintained according to the records retention policy. Investigations of sexual harassment or other unlawful harassment or discrimination will be conducted in a manner consistent with the rights of employees under the collective bargaining agreement and, regardless of whether the employee is covered by the collective bargaining agreement, such rights as may be provided by law or other Board Policy.

D. Knowingly False Complaints

Any employee who intentionally or knowingly makes a false or misleading complaint shall be subject to disciplinary action in accordance with the collective bargaining agreement or, if the employee is not covered by the collective bargaining agreement, as provided by law or other Board Policy.

E. Unsubstantiated Complaints

No employee will be subjected to any negative employment action simply because another employee has raised a complaint which was not substantiated after investigation.

F. Questions Regarding this Policy

Any questions concerning this policy should be directed to the Director of Human Resources.

VII. DISTRIBUTION:

Board Members
All Management Staff
All Staff (via Department Managers)
LEADD President

VIII. REVIEWED:

5/21, 5/19, 5/18, 5/17, 5/16, 5/15, 5/14, 5/13, 5/11, 5/09, 5/07, 5/05, 5/03; 4/01; 8/97