



HARASSMENT AND DISCRIMINATION REPORTING PROCEDURE

1.06

Effective Date: 07/18

Purpose: The purpose of the procedure is to outline the steps an employee should follow to report an incident of harassment, discrimination or retaliation.

Failure to Comply: Employees who fail to comply with this policy will be subject to disciplinary procedures. Agency failure to comply could result in non-compliance with the Administrative Reference and/or Equal Employment Opportunity Guidelines.

Procedure: Barren River District Health Department (BRDHD) encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor, program director, the manager of human resources, or any member of management. In addition, BRDHD encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. BRDHD recognizes, however, that an individual may prefer to pursue the matter through informal or formal complaint procedures.

Complaint Procedure - Informal Procedure

If for any reason an individual does not wish to address the offender directly, or if such action does not successfully end the offensive conduct, the individual should notify his/her immediate supervisor, the manager of human resources, or a member of management, who may, if the individual so requests, talk to the alleged offender on the individual's behalf. In addition, there may be instances in which an individual seeks only to discuss matters with one of the BRDHD designated representatives, and such discussion is encouraged.

An individual reporting harassment, discrimination or retaliation should be aware however; that BRDHD may decide it is necessary to take action to address such conduct beyond an informal discussion. This decision will be discussed with the individual. The best course of action in any case will depend on many

factors and, therefore, the informal procedure will remain flexible. Moreover, the informal procedure is not a required first step for the reporting individual.

Complaint Procedure - Formal Procedure

As noted above, individuals who believe they have been the victims of conduct prohibited by this policy statement, or who believe they have witnessed such conduct, should discuss their concerns with the manager of human resources, the department director, or any member of management. BRDHD encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. 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 knowledge. Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation against an individual for reporting harassment or discrimination, or for participating in an investigation of a claim of harassment or discrimination, is a serious violation of this policy and like harassment or discrimination itself, will be subject to disciplinary action up to and including dismissal. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or dismissal, as BRDHD believes appropriate under the circumstances.

If a party to a complaint does not agree with its resolution, that party may request to appear personally before the appointing authority. The request shall be: in writing and made within six (6) working days of receipt of the notice; and filed with the appointing authority (if the request is mailed by certified mail, return receipt requested, it shall be considered filed on the date it is postmarked.) The meeting shall be held within six (6) working days after receipt of the employee's request to appear before the appointing authority, excluding the day the request is received. Within five (5) working days after the employee appears to reply, the appointing authority shall determine whether to modify, or rescind the resolution. False and malicious complaints of harassment, discrimination or retaliation as opposed to complaints which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

Conclusion

BRDHD has developed this policy to ensure that all its employees can work in an environment free from harassment, discrimination and retaliation. BRDHD will make every reasonable effort to ensure that all concerned are familiar with these policies and aware that any complaint in violation of such policies will

be investigated and resolved appropriately. Any employee who has any questions or concerns about these policies should talk with the manager of human resources.

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion in order to avoid allegations of harassment. The law and the policies of BRDHD prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges, and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

Note: The [Equal Employment Opportunity Commission \(EEOC\)](https://www.eeoc.gov/policy/guidance.html) published enforcement guidance on June 21, 1999, dealing with harassment. Copies of the documents can be printed or downloaded from the website at <https://www.eeoc.gov/policy/guidance.html>. The two documents are titled, "[Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors](#)" and a shorter Q&A titled "[Questions and Answers for Small Employers on Employer Liability for Harassment by Supervisors](#)."

Forms: None

References: [Administrative Reference](#); [Equal Employment Opportunity Commission Guidelines](#); [EEOC Enforcement Guidance](#); "[Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors](#)"; "[Questions and Answers for Small Employers on Employer Liability for Harassment by Supervisors](#)"

Contact Person: Human Resources Manager

Procedure Origination, Revision, and Review Tracking

Procedure Number	Origination Date	Description of Revision or Reviewer Name
1.06	12.14.2017	HR Manager – Procedure Creation
1.06	9.24.2020	HR Manager-review