

**A M E N D E D  
POLICY NO. 45**

**BOARD OF COUNTY ROAD COMMISSIONERS  
OF THE COUNTY OF ST. CLAIR**

**SUBJECT: Anti-Harassment Policy**

**AMENDED: March 22, 2005**

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**I. STATEMENT OF POLICY**

It is the policy of the St. Clair County Road Commission (hereafter "the Road Commission") to provide a work environment that is free of discrimination, intimidation, offensive behavior, and harassment by any individual against any other individual on the basis of sex, race, color, national origin or ancestry, age, religion, marital status, pregnancy, veteran status, disability, height, weight or "protected activity" (meaning opposition to discrimination or participation in proceedings covered by the anti-discrimination statutes). The Road Commission will investigate any complaint of conduct violating this policy. If a violation is found, the Road Commission will take prompt and appropriate corrective and disciplinary action, including discipline up to and including termination of employment, and action to stop unwelcome behavior before it rises to the level of a violation of state or federal law.

For purposes of this policy, "individual" includes all Road Commission elected officials, officers, employees, appointees, volunteers, and all Road Commission suppliers, independent contractors, and their employees, officers and agents.

**II. DEFINITIONS AND PROHIBITIONS**

Harassment or discrimination based upon sex, race, color, national origin or ancestry, age, religion, marital status, pregnancy, veteran status, disability, height or weight is a violation of state and federal law and shall not be tolerated by the Road Commission. Neither will the Road Commission tolerate offensive behavior under this policy which, by itself, may not be a violation of law but, if continued, may develop into illegal harassment or discrimination.

A violation of this policy can take many forms. It may consist of, but is not limited to, offensive words, requests, gestures, written material, jokes, cartoons, pictures, posters, e-mail jokes or statements, pranks, intimidation, physical assaults or contact, or violence. For purposes of this policy, prohibited conduct includes, but is not limited to, the following:

1. Treating an individual differently on the basis of his/her sex, race, color, national origin or ancestry, age, religion, marital status, pregnancy, veteran status, disability, height, weight, or protected activity, except when such treatment on the basis of religion or disability is pursuant to an accommodation or as permitted by state or federal laws.

2. Disciplining an individual more harshly on the basis of his/her sex, race, color, national origin or ancestry, age, religion, marital status, pregnancy, veteran status, disability, height, weight, or protected activity.
3. Segregating individuals on the basis of their sex, race, color, national origin or ancestry, age, religion, marital status, pregnancy, veteran status, disability, height, weight, or protected activity.
4. Making decisions on the basis of sex, race, color, national origin or ancestry, age, religion, marital status, pregnancy, veteran status, disability, height, weight, or protected activity, except as permitted by state or federal laws.
5. Stating or implying that an individual's deficiencies in performance are attributable in whole or in part to the individual's sex, race, color, national origin or ancestry, age, religion, marital status, pregnancy, veteran status, disability, height, weight, or protected activity.
6. Making any adverse employment decision on the basis of an individual's disability when such disability is unrelated to the individual's ability to perform the essential functions of his or her job, with or without reasonable accommodation.
7. Engaging in any practice that illegally uses sex, race, color, national origin or ancestry, age, religion, marital status, pregnancy, veteran status, disability, height, weight, or protected activity as a limiting criterion.
8. Failing to accommodate an individual's religion or disability to the extent required by law.
9. Stating or implying that an individual's advancement or lack of advancement has resulted from the acceptance, granting or refusal of sexual favors or a sexual relationship.
10. Treating an individual differently or making an employment-related decision as a result of an individual's submission to, or rejection of, unwelcome sexual advances or requests for sexual favors.
11. Making unwelcome sexual advances or requests for sexual favors.
12. Engaging in conduct based upon sex, race, color, national origin or ancestry, age, religion, marital status, veteran status, disability, height, weight, or protected activity which creates an intimidating, hostile or offensive environment or has the purpose or effect of substantially interfering with an individual's performance.
13. The display of degrading, offensive or inappropriate objects, photographs,

drawings, cartoons, etc., regarding sex, race, color, national origin or ancestry, age, religion, marital status, pregnancy, veterans status, disability, height, weight, or protected activity.

14. Degrading, offensive or inappropriate jokes, insults or commentary regarding sex, race, color, national origin or ancestry, age, religion, marital status, pregnancy, veterans status, disability, height, weight, or protected activity.
15. Derogatory statements regarding sex, race, color, national origin or ancestry, age, religion, marital status, pregnancy, veteran status, disability, height, weight, or protected activity not directed to an individual but taking place within the individual's hearing.
16. Comments regarding an individual's private sexual life.
17. Physical contact or exposure of an inappropriate, unnecessary or sexual nature.
18. Implicit or explicit pressures to participate in religious activities or services.

### **III. NON-RETALIATION**

The policy of the Road Commission also strictly prohibits any retaliation against an individual who has registered a complaint under this policy, or who has cooperated in the investigation of a complaint made pursuant to this policy. Any individual who has been determined to have retaliated against another individual for utilizing the complaint procedure or cooperating in the investigation of a complaint will be subject to appropriate discipline up to and including termination of employment. Policy No. 85 of the St. Clair County Road Commission also strictly prohibits retaliation. If an individual believes he or she has been retaliated against for exercising rights under this policy, the individual should use the complaint procedure set forth below.

### **IV. COMPLAINT PROCEDURE**

#### **1. Notice**

An individual who believes he or she has been subjected to conduct by another individual which violates this policy shall report the incident to his/her supervisor or, at the complainant's option, directly to the Managing Director. In the event that the Managing Director is alleged to be personally involved in the facts forming the basis of the complaint, the individual shall report the incident to the Chairperson of the Road Commission. Individuals are encouraged to report violations of this policy immediately. However, if an individual is unable to do so, such reports should be made within thirty (30) days or as soon as practicable. At the complainant's option, the initial report may be made in writing on the attached complaint form. It is essential that individuals report all incidents of offensive or inappropriate conduct under this policy, even if the individual is unsure whether the offending behavior is considered harassment or discrimination.

## 2. Procedure

Upon the receipt of a complaint, the supervisor will report the incident to the Managing Director, who will designate an individual(s) to conduct an investigation promptly and as set forth below. (In the event that the Managing Director is alleged to be personally involved in the facts forming the basis for the complaint, the Chairperson of the Road Commissions will designate an individual(s) to conduct the investigation.)


- a. Review the complaint, obtain a signed complaint form if the complainant has not already submitted one, interview the complainant and document the interview.
  - ◇ Obtain the names of witnesses who can substantiate the complainant's version of the events, interview the witnesses and document the interviews.
- b. Interview the person about whom the complaint was made and document the interview.
  - ◇ Review the Road Commission's Policy Prohibiting Harassment and Discrimination, including the prohibition against retaliation, with the person about whom the complaint was made.
  - ◇ Obtain the names of witnesses who can substantiate the version of events provided by the person about whom the complaint was made, interview the witnesses, remind them of the prohibition against retaliation, and document the interviews.
  - ◇ Review the records of the complainant and the person about whom the complaint was made.
  - ◇ Make a determination of the merits of the complaint.
- c. The individual(s) conducting the investigation will report the findings of the investigation to the Managing Director, who will make the final determination of the merits of the complaint. In the event that the Managing Director is alleged to be personally involved in the facts forming the basis of the complaint, the Chairperson of the Road Commission shall receive the findings and make the final determination of the merits of the complaint.
- d. If it is determined that the complaint is without merit, the following actions will be taken:
  - ◇ Document the findings and conclusions.
  - ◇ The findings and conclusions will be discussed individually with the complainant and the person about whom the complaint was made. In addition, individuals who need to know (in the opinion of the employer) will be advised of the findings and conclusions.
  - ◇ All references to the complaint will be removed from the personnel files of the person about whom the complaint was made and the complainant.

- ◇ All documentation regarding the complaint and investigation will be maintained in a separate file. This file will be discarded by the employer three (3) years after the date of the findings and conclusions, unless litigation or charges have been brought relating to the complaint and investigation.
- e. If it is determined that the complaint has merit, the following actions will be taken:
- ◇ Document the findings and conclusions.
  - ◇ A determination will be made as to what action is necessary to resolve the complaint and prevent reoccurrence.
  - ◇ The offender and complainant will be advised of the findings and conclusions of the investigation and the action to be taken.
  - ◇ Appropriate discipline will be imposed where applicable, based upon the severity of the incident and the prior record of the offender. In the event that the penalty imposed is less than termination of employment, the Road Commission's Policy Prohibiting Discrimination and Harassment will be reviewed with the offender.
  - ◇ The findings and conclusions as well as the documented disciplinary action will be placed in the offender's personnel file.
  - ◇ All documentation regarding the complaint and investigation will be maintained in a separate file. This file will be discarded by the employer three (3) years after the date of the findings and conclusions, unless litigation or charges have been brought relating to the complaint and investigation.

#### **V. RESPONSIBILITY/REPORTING**

All employees of the Road Commission have a responsibility for keeping our work environment free of conduct violating this policy. Any employee who becomes aware of an incident of offensive behavior towards another individual that may violate this policy, whether by witnessing the incident or being told of it, is responsible to report it to his/her supervisor, who shall report it to the Managing Director. Any supervisor who becomes aware of an incident of offensive behavior towards another individual that may violate this policy, whether by witnessing the incident or being told of it, must report it to the Managing Director. Supervisors who do not report incidents in accordance with this policy will be subject to discipline, up to and including termination. When management becomes aware of the existence of possible harassment, it is obligated by law to take prompt and appropriate action, whether or not the subject of the offensive behavior wants it to do so.

  
 \_\_\_\_\_  
 Timothy LaLonde, Chairman

  
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 Donald M. Matijevic, Managing Director

Adopted: 06-08-82  
 Amended: 04-17-90  
 Amended: 02-05-91  
 Amended: 03-16-00

**HARASSMENT AND DISCRIMINATION  
COMPLAINT FORM**

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Date: \_\_\_\_\_

Name: \_\_\_\_\_

Job title: \_\_\_\_\_

Location of incident(s): \_\_\_\_\_

Name of person against whom complaint is made: \_\_\_\_\_

Job title: \_\_\_\_\_

List policy section(s) violated by accused individual (attach additional pages if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What is your complaint? (attach additional pages if necessary): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Can you describe any specific incidents that show that you were discriminated against or harassed? If yes, please describe exactly what occurred, when it happened, and who observed or heard it happen (attach additional pages if necessary): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Please read the above carefully. Does it describe your complaint fully?

Yes, this describes my complaint fully and accurately.

This is accurate, but I would like to add the following (attach additional pages if necessary): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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Date

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Signature