

**GRAND FORKS COUNTY  
POLICY MANUAL**

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**POLICY NO. 105-18**

**Eff. 2/21/12**

**SEXUAL HARASSMENT**

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**Sexual harassment is a form of employee misconduct that undermines the integrity of the employment relationship. All employees must be allowed to work in an environment free from unsolicited and unwelcomed sexual overtures. Sexual harassment debilitates morale and impedes the work productivity of its victims and other workers.**

**Sexual harassment is unacceptable conduct in the workplace and will not be tolerated by the Grand Forks County Commission. Sexual harassment is a form of sex discrimination, and is prohibited by Title VII of the Civil Rights Act of 1964, and the North Dakota Human Rights Act, NDCC Chapter 14-02.4. Complaints will be investigated in a timely, thorough, and professional manner.**

**Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature, including but not limited to impromptu suggestions, pornographic pictures, jokes, degrading email or verbal comments and offensive sexual flirtations when:**

- 1. Submission to that conduct or communication is, explicitly or implicitly, made a term or condition of obtaining or continuing employment; or**
- 2. An employment decision is based on an individual's acceptance or rejection of such conduct; or**
- 3. That conduct or communication interferes with an individual's employment or work performance, or creates an intimidating, hostile or offensive working environment.**

**In addition, employees have the right to be free of harassment within the workplace from non-employees such as clients or other individuals who provide services to or within Grand Forks County government.**

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Therefore, an employee may terminate a telephone call or discontinue the contact in a situation in which a non-employee is being abusive or harassing, including situations subjecting the employee to conduct, communication or sexually explicit paraphernalia which interferes with the employee's work performance or creates a hostile, intimidating or offensive work environment<sup>1</sup>. If this happens, the employee must immediately report the incident and the action taken to the immediate supervisor, and a record of the reason services were interrupted must be documented.

Any employee who engages in conduct that is illegal or inappropriate in view of this policy will be subject to disciplinary action up to and including dismissal from employment.

The following are examples of conduct prohibited under this policy:

1. Physical assaults or other physical conduct of a sexual nature, including unwanted touching;
2. Unwanted sexual advances, propositions or other sexual comments;
3. Sexual displays or publications anywhere within the workplace;
4. Taking retaliatory action against an employee for discussing or making a sexual harassment complaint; and
5. Inappropriate jokes, cartoons, offensive email or comments, posters or pictures.

Department Managers and supervisors are responsible to make every effort to prevent sexual harassment in their respective work areas. This includes disseminating information to all levels of employees within the Department Manager's or supervisor's span of control as to prohibited conduct and complaint procedures. Every employee should be reminded to refrain from sexual harassment and to immediately bring forth any available evidence of such behavior to the supervisor, the Department Manager, the Director of Administration or the County Commission.

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<sup>1</sup> In situations involving sexual harassment by non-employees, if terminating the harassment jeopardizes the safety and security of other non-employees or other employees, then the Grand Forks County employee is encouraged to take whatever action needed to preserve the safety and security of the affected people.

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**Department Managers and supervisors will be responsible to take immediate corrective action and to deal effectively with harassment or inappropriate behavior once such behavior has been brought to the Department Manager's or supervisor's attention. The Director of Administration and the County Commission should be made aware of such behavior and the corrective action.**

**The Director of Administration will, upon request, provide assistance to Department Managers and supervisors in educating employees on sexual harassment issues.**

**Employees who perceive that they have been subjected to sexual harassment have the right to file a grievance per Grand Forks County policy.**

**Employees who are not comfortable reporting the alleged sexual harassment to their immediate supervisor are not required to follow the chain of command as outlined in the grievance procedure, but may instead bring the matter to the attention of any higher level supervisor, the Director of Administration, or the County Commission.**

**Retaliatory action against an employee who files a sexual harassment complaint is prohibited. Any person who engages in retaliatory action will be subject to disciplinary action, up to and including dismissal from employment.**