

## **PROCEDURE 105-3**

### **REPORTING AND INVESTIGATING DISCRIMINATION, HARASSMENT, AND RETALIATION**

**Effective 05-01-2021**

**Revised 06-22-2023**

To ensure compliance with Johnson County's Equal Opportunity in Employment Policy, all employees have a duty to report and to cooperate in investigations of discrimination, harassment, and retaliation. For purposes of this procedure, discrimination includes denial of a request for disability or religious accommodation.

#### **Definitions**

"Protected Status," "Protected Activity," and "retaliation" are defined in Policy 105, Equal Opportunity in Employment.

#### **Reporting Requirements for Non-Supervisors**

Any employee who believes they have been subjected to discrimination, harassment, or retaliation based on Protected Status or Protected Activity, any employee who believes they have witnessed such conduct, and any employee who has knowledge of such conduct, is expected to report the matter so it can be addressed. Employees may report either verbally or in writing to the Department of Human Resources or to any official, supervisor, manager, or department/agency/office leader without regard to the chain of command.

To ensure thorough investigation, employees are encouraged to report to the persons identified above; however, employees may also report anonymously using the Johnson County Alertline: 855-236-2042 or <https://jocogov.alertline.com/gcs/welcome>.

#### **Reporting and Other Requirements for Supervisors and Above**

Any official, department/agency/office leader, manager, or supervisor who witnesses, receives a written or oral report, or has reason to believe that discrimination, harassment, or retaliation has occurred, is required to report such information to any Human Resources Partner or to any manager/director level employee of the Department of Human Resources within one business day, preferably in writing. If the allegation is against the Director or Deputy Director of the Department of Human Resources, the notice must be provided to the County Manager, who will consult the Legal Department. Information regarding discrimination, harassment, or retaliation learned in peer support groups or similar processes must be reported to the Department of Human Resources for investigation. All notice required by this paragraph must be provided regardless of whether the reporting party believes the allegation.

An official, department/agency/office leader, manager, or supervisor may take immediate action whenever necessary to protect an employee. However, that action cannot include removing the employee subjected to the alleged misconduct from their assigned position, even temporarily, against that employee's wishes. The department/agency/office must notify the Department of Human Resources of any action taken.

## **Investigation and Resolution**

The Department of Human Resources is responsible for reviewing all reports of violations of the Equal Opportunity in Employment Policy, except those made against the Director or Deputy Director of Human Resources. The Department of Human Resources will investigate unless circumstances warrant investigation by the Legal Department or a third party. The Department of Human Resources must consult the Legal Department if it determines that a complaint does not require investigation. The reasons for not investigating must be documented. Complaints filed with enforcement agencies will be investigated by the Legal Department or its designee, and all other internal investigations will be suspended pending direction from the Legal Department.

All employees and officials must fully cooperate with the investigation and must be honest and forthcoming. Confidentiality will be provided to the fullest extent practicable. No employee who is the subject or target of the alleged discrimination, harassment, or retaliation will be required to provide a written statement if unwilling to do so.

When the investigation is conducted by the Department of Human Resources, it will inform the department/agency/office leader of the outcome of the investigation and will consult with the leader regarding corrective action or other remedial or preventative action. Unless the County Manager's Office intervenes, the office leader (or designee) will decide on the action(s) to be taken. The investigator will document the findings and action taken in a method to be determined by the Director or Deputy Director of the Department of Human Resources. All records collected or created during the course of the investigation shall be maintained by the Department of Human Resources.

When an investigation is conducted by the Legal Department or a third party, the findings shall be documented in a written report. With whom the report is shared and determinations regarding corrective or other action may vary depending upon the circumstances. Reports and records collected or created during the investigation will be maintained by the Legal Department unless circumstances warrant an alternative process.

## **Notification to Employees**

The Department of Human Resources will notify the reporting party, the victim/target, the alleged wrongdoer, and the department/agency/office when the investigation has been concluded. The Department of Human Resources will remind each such person in writing that retaliating or encouraging others to retaliate against the victim/target or against anyone who reported the alleged misconduct or participated in the investigation is prohibited and should be reported. The victim/target will be encouraged to report any continuing issues.

## **Violations**

Any employee or appointed official who fails to comply with this procedure, including the reporting requirements and the requirement to cooperate in an investigation, may be subject to corrective action up to and including separation from employment.

Any employee or appointed official who intentionally makes a false allegation of discrimination, harassment, or retaliation may also be subject to corrective action up to and including separation from

employment. An allegation will not be deemed false merely because it cannot be corroborated or because the employee making the allegation was mistaken.

Elected and appointed officials may be subject to the sanctions specified in the Johnson County Code of Ethics.

**Publication/Training**

The Department of Human Resources is responsible for ensuring that all employees receive training about the Equal Opportunity in Employment Policy and the related procedures upon commencement of employment or appointment with the County including training on how to access the policy and procedures. The Department of Human Resources and supervisors are responsible for ensuring that employees and officials receive training at least every two years.