



St. Johns County Administrative Code Section: Personnel

Title: 411 Prohibition of Unlawful Harassment	Issued: Jan 2006
Reference: U. S. Code Title VII	Revised: June 2012

411.1 Commitment

St. Johns County is committed to maintaining a work environment free of harassment on the basis of race, color, religion, gender, national origin, age, marital status, disability, and genetics. The County will not tolerate unlawful harassment of any employee by any supervisor, co-worker, vendor, client, or other parties while on the job. Workplace harassment may violate one or more of the following: Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act, as Amended or the Florida Civil Rights Act. All employees are responsible for maintaining a workplace that is free of unlawful harassment and intimidation. The County is committed to promptly and thoroughly investigating all complaints of unlawful harassment. If, after a thorough investigation, it is determined that the County's policy against unlawful harassment has been violated, immediate and appropriate disciplinary action up to and including termination of employment may be taken.

411.2 Definition and Examples of Unlawful Harassment

Unlawful harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of the individual's race, color, religion, gender, national origin, age, marital status, disability, or genetics. Violations of the County's policy prohibiting unlawful harassment may include, but are not limited to, the following:

- Conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
- Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive environment.
- Conduct that otherwise adversely affects an individual's employment opportunities; epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to race, color, religion, gender, national origin, age, marital status, disability or genetics; and written or graphic material, including e-mails and computer screen displays, that denigrates or shows hostility toward an individual or group because of race, color, religion, gender, national origin, age, marital status, disability or genetics and that is placed on walls, bulletin boards, or elsewhere on the County's premises, or circulated in the workplace. This also includes acts that purports to, or are meant to be, jokes or pranks, but that are hostile or demeaning, such as hate mail, threats, defaced photographs, or other such conduct.

Violations of the County's policy prohibiting unlawful harassment may also occur when the intended target of the conduct is not offended, but others reasonably find the conduct to be intimidating, hostile or abusive.

The County is equally committed to maintaining a work environment free of sexual harassment. The County will not tolerate the sexual harassment of any employees by any supervisors, co-workers, vendors, clients, or anyone else. All employees are responsible for maintaining a workplace that is free of sexual harassment and intimidation. The County is committed to promptly and thoroughly investigating all complaints of sexual harassment. If, after a thorough investigation, it is determined that a violation of the County's policy prohibiting sexual harassment has occurred, immediate and appropriate disciplinary action up to and including discharge may be taken.



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411.3 Definition and Examples of Sexual Harassment

Unwelcome sexual advances, requests for sexual favors and any other physical, verbal or visual conduct of a sexual nature constitute sexual harassment when:

- 1) Submission to the conduct is an explicit or implicit term or condition of employment or continued employment.
- 2) Submission to or rejection of the conduct is used as a basis for employment decisions affecting an employee, such as promotion, demotion or evaluation.
- 3) The conduct has the purpose or effect of creating a hostile or offensive work environment.

Violations of the County's policy prohibiting sexual harassment may include, but are not necessarily limited to:

- Unwelcome sexual propositions.
- Sexual innuendo.
- Sexually suggestive remarks.
- Vulgar or sexually explicit comments, gestures or conduct.
- Sexually oriented kidding, teasing or practical jokes.
- Physical contact such as brushing against another's body, pinching or patting.
- The publication, to any one, of documents (including pictures and text) in the workplace that contain any material that is of a sexual nature.
- Using the computer or any other electronic device to access any Web site, newsgroup, CD, floppy disk, or any other resource that contains material that is of a sexual nature.
- Abusive or intimidating conduct or remarks directed at a person or persons based upon their gender.

Violations of the County's policy prohibiting sexual harassment may also occur when the intended target of the conduct is not offended, but others reasonably find the conduct to be intimidating, hostile or abusive.

Responsibility

Since knowledge by management is legally construed as knowledge by the County, all managers and supervisors shall be responsible for immediately notifying the Personnel Services Department of any complaints of harassment. It is the responsibility of all employees to attend harassment training as required. Managers and supervisors are expected to prevent and eliminate harassment in their respective work areas. It is the responsibility of all employees to report harassing or discriminating conduct.

411.4 Unlawful Harassment Complaint Procedure

An employee who believes they are being harassed should confront whoever is doing the harassing, state how they feel about such activities or remarks and request that the person cease such activities or remarks immediately. If the employee does not feel comfortable approaching the person they feel is harassing them or if that person does not respect and follow the employee's request, the employee should immediately report the complaint to any one of the following persons:

- Immediate supervisor/manager
- Department/Division Director
- A Personnel Services Department staff member

If the complaint involves a Personnel Services employee, the employee should immediately report the complaint to County Administrator's office.

The Personnel Services Department will investigate or coordinate the investigation of any complaint of harassment, except in any instance where a member of the Personnel Services Department is either a



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complainant or is accused of harassment. In such a case, the employee's Assistant County Administrator or their designee shall conduct or coordinate an investigation. The investigation of the complaint will normally include conferring with the parties involved and any named or apparent witness. Because of their sensitive nature, complaints of harassment will be investigated with care and will remain confidential to the extent possible. Information concerning an allegation of harassment will not be released to third parties except as required for the legitimate business purposes of the investigation or as required or allowed by law.

Any employee found to be in violation of the County's policy prohibiting harassment will be subject to disciplinary action up to and including termination of employment.

There shall be no retaliation against any applicant, employee or volunteer who files a harassment charge or who participates in an investigation of a harassment charge. Accusations of retaliation shall be investigated in accordance with this policy. Employees found to have retaliated against an employee will be disciplined up to and including termination of employment.

St Johns County also recognizes that false accusations of harassment can have a serious effect on innocent individuals. Therefore, false accusations may result in disciplinary action including termination of employment. Any non-employee found to be harassing a County employee will have their employer notified.