



Policy Type: Board

Category: Personnel

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3.9 POLICY ON SEXUAL HARASSMENT (Adopted 8-20-91)

BOARD OF SUPERVISORS' POLICY ON SEXUAL HARASSMENT

Santa Clara County values each employee and strives to provide a nurturing environment where there is respect and mutual support. To foster an environment of respect and mutual support, no form of discrimination, sexual harassment or harassment because of sex, age, race, color, national origin, creed, disability, political beliefs, organizational affiliation, or sexual orientation can be tolerated. To ensure this, the Santa Clara County Board of Supervisors adopted a Policy on Equal Employment Opportunity which declares that no person shall be discriminated against with regard to recruitment, selection, appointment, training, promotion, retention, discipline or other aspects of employment.

The Board also adopted a policy on Sexual Harassment which declares that sexual harassment constitutes sex discrimination which is prohibited.

The Board further reaffirms that the County will maintain a discrimination-free work environment. Part of maintaining a discrimination-free work environment includes freedom from any form of sexual harassment. Therefore, it is important for all employees to know that no form of sexual harassment will be tolerated and those who commit acts of sexual harassment will be subject to discipline up to and including dismissal. The



following describes the type of conduct which constitutes sexual harassment and is prohibited:

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

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used or threatened to be used as the basis for employment decisions affecting such individual, or;
- (3) Such conduct has the purpose or effect of interfering with any individual's work performance or creating an intimidating, hostile, or offensive working environment.

This policy applies to actions of County employees and non-employees who conduct business with County employees.

The Board further adds that retaliation against a person who complains of sexual harassment is prohibited.

County Department Heads are accountable for prevention and correction of sexual harassment occurrences in their areas of responsibility. Managers and supervisors at all levels are responsible for taking all steps necessary to prevent sexual harassment from occurring within their organizations. These steps should encompass:

- Discussion of the subject by providing training to County employees regarding each one's responsibility in preventing sexual harassment.



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- Expression of strong disapproval of sexual harassment by informing County employees of possible penalties for violations of the policy.
- Provide to employees procedures for submission of complaints of sexual harassment. These procedures will include Countywide and Departmental procedures, alternative avenues for complaints should the complainant be unsatisfied with the Departmental response, and a listing of appropriate disciplinary actions which may include termination when acts of sexual harassment occur.

Any violation of this policy will receive prompt and appropriate action. Any employee or prospective employee who experiences sexual harassment should immediately contact her/his supervisor, her/his departmental Affirmative Action Advisor, the Equal Opportunity Division, the Coordinator of Women's Programs, or a union representative.

The County Executive will ensure that the Board's policy prohibiting sexual harassment is made known to all County employees and that procedures necessary to assure compliance are implemented.

Related Policies

- Policy Against Discrimination, Harassment, and Retaliation – Board Policy 3.8 - <https://saecommon.sccgov.org/countypolicy/Board-Policy-3.8-Policy-Against-Discrimination-Harassment-and-Retaliation.pdf>

Related Forms and Information

- April 25, 2019 Memo Regarding Non-Supervisory Sexual Harassment Prevention Training Available May 1, 2019 - [\[url\]/sites/policies/FormsrelatedtoPolicies/Non-Supervisory-SHP-Web-Based-Training-Available-May-2019.pdf](#)



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History

Date	Changes Made
4/26/2019	Added Memo Related to SHP Training for Non-Supervisory Staff. (Kyle Larson)
1/23/2014	Policy Uploaded. (John Myers)
8/20/1991	Policy Adopted.