

4.5 Sexual Misconduct

(Amended March 26, 2013)

I. OBJECTIVE

The County is committed to maintaining a working environment for employees, County volunteers and citizens that is free from any form of sexual misconduct. This policy applies to all County employees and County volunteers.

II. DIRECTIVES

A. The County will not tolerate any behavior by its employees (and volunteers) which constitutes Sexual Misconduct. "Sexual Misconduct" means any actual or attempted sexual assault, sexual abuse, sexual exploitation, indecent or sexual solicitation, or public indecency, as defined by state and local laws. Sexual Misconduct by non-employees toward County employees shall also not be tolerated.

B. Sexual misconduct can occur during interactions and/or relationships between individuals of the same gender or different gender, and between adults and minors. "Sexual Misconduct" does not include "Sexual Harassment".

C. Reporting

1. It is the expressed policy of the County to encourage individuals alleging Sexual Misconduct to come forward with such claims. In order to conduct an immediate investigation, any incident of Sexual Misconduct must be reported as quickly as possible.
2. Employees are required to report any known or suspected incidents of sexual misconduct to their immediate Supervisor, Human Resources Director, any Department Director, County Manager, Deputy County Manager, or County Attorney.

E. Investigation and Confidentiality

Employees who become aware of any sexual misconduct of an employee should report such incidents to their Supervisor, Human Resources Director, any Department Director, County Manager, Deputy County Manager, or County Attorney who shall be responsible for investigating all such incidents. Appropriate action will be taken to remedy the situation.

All complaints will be given a full, impartial and timely investigation. During such investigation, every effort will be made to protect the privacy rights of all parties, although confidentiality cannot be guaranteed.

F. Corrective Action

Any employee who is determined, after appropriate investigation, to have engaged in sexual misconduct in violation of this policy will be subject to corrective action, up to and including termination. False accusations regarding sexual misconduct will not be tolerated, and any person knowingly making a false accusation will be subject to corrective action, up to and including termination.

G. Maintenance of Records and Documents

Human Resources shall maintain records and documentation related to this policy including documents related to procedures for hiring, screening, employee code of conduct, training, acknowledgement forms, incident reporting and disciplinary action under the BCC.

See the following State laws for additional guidelines: Section 794.027, Florida Statutes; Section 753.05, Florida Statutes; Chapter 39, Part II, Florida Statutes.

Employees are not required to report known or suspected cases to their immediate supervisor first. If the supervisor to whom an employee reports is the offending person, the report should be made to the next higher level of management or individuals listed above. In all cases, the Human Resources Director, County Manager, and County Attorney shall be notified, unless the complaint involves the Human Resources Director, County Manager, or County Attorney.

3. Employees should not assume that the County is aware of any incidents of sexual misconduct. Employees will not be penalized in any way for making a report, in good faith, under this policy and procedure.
4. Incidents of alleged sexual misconduct shall also be immediately reported to local law enforcement in accordance with Section 794.027, Florida Statutes, Section 753.05, Florida Statutes, and/or Chapter 39, Florida Statutes.
5. The supervisory/management representative receiving the initial report (as described above) shall be responsible for contacting local law enforcement, if not done so already.

D. Retaliation

No management personnel, supervisor or other employee shall place an employee at a disadvantage or retaliate against an employee for having reported a complaint of sexual misconduct under this policy. Employees must report retaliatory actions directly to the Human Resources Director, County Manager, or County Attorney as soon as possible after the incident occurs, then follow up with a written statement. Any retaliation exhibited by or directed toward management, supervisors, or other employees will result in corrective action, up to and including termination.