



Non-Discrimination and Anti-Harassment Policy

Contents

1. Purpose	1
2. Applicability	1
3. Policy	1
4. Policy Non-Compliance	4
5. Audit	4
6. Definitions	4
7. Approval and Revision History	5

1. **Purpose**

The purpose of this policy is to define Buncombe County Government as an organization that actively opposes discrimination and harassment in all its forms and to clearly define prohibited behaviors, protected classes, and reporting expectations.

2. **Applicability**

This policy applies to all Buncombe County departments and employees subject to the County Manager's authority. Where there is conflict with any department-specific policy, this document will supersede.

3. **Policy**

- 3.1. The County actively promotes and is fully committed to equal employment opportunity, diversity, equity, inclusion, and accessibility to foster a climate of innovation and collaboration that capitalizes on the diversity, lived experiences, and contributions of every member of the County workforce.
- 3.2. The County is committed to ensuring that all employees work in an environment that is free of discrimination and harassment and that employees are treated with dignity and respect. Discrimination, harassment, and retaliation of any kind are prohibited and will not be tolerated. Beyond ensuring compliance with applicable employment laws and regulations that prohibit discrimination, this policy ensures internal alignment with the County's Racial Equity Action Plan and furthers our commitment to equity, which is one of the County's five core values and a foundational focus area in the County's Strategic Plan.
- 3.3. All staff members are expected to act responsibly and honestly, whenever they present threat allegations or charges.
- 3.4. It is against the law and in violation of this policy to discriminate against or harass a county employee because of that person's actual or perceived membership in a Protected Class. It is also against the law and in violation of this policy to retaliate against a county employee because they complained about discrimination or harassment, filed a complaint, or participated in a workplace investigation.
- 3.5. The County prohibits all forms of discrimination in employment. Employees will not be subjected to adverse or different treatment based on Protected Class with respect to

- a term or condition of their employment. This prohibition includes both intentional and unintentional acts of discrimination.
- 3.5.1. Examples of intentional discrimination include but are not limited to:
- Actual animosity towards a person or group based on a Protected Class
 - Stereotypes about a person's skills, abilities, personality, or other traits which are consciously held about people because of their membership in Protected Classes
 - Discriminatory preferences or biases of customers, coworkers, clients, or others in the workplace
- 3.5.2. Examples of unintentional discrimination include but are not limited to:
- Neutral policies or practices when they have a disproportionate impact on members of a Protected Class
 - Micro aggressions and unconscious biases that result in discrimination.
- 3.6. The County requires all employment decisions to be made based on legitimate business reasons and job requirements, and without regard to a Protected Class. This includes all personnel actions, including but not limited to, recruitment, selection, training, promotion, compensation, classification, performance management, separation, and conditions of employment.
- 3.7. The County will provide training to ensure a culturally competent workforce.
- 3.8. The County prohibits all forms of harassment in employment. Employees will not be subjected to any situation in the course of their employment where, based on membership in a Protected Class, they must endure offensive conduct as a condition of employment or when the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive. This includes any situation where submission to or rejection of such conduct is explicitly or implicitly made a term or condition of employment or used as the basis for employment decisions.
- 3.9. The County recognizes that harassment can occur in a variety of circumstances. The harasser can be a direct supervisor, a supervisor in another area, a coworker, a subordinate, or a nonemployee such as a contractor, client, or a customer. Further, the injured party does not have to be the person harassed but could be anyone affected by the offensive conduct, even if unintended by the perpetrator. Harassment can include repeated or frequent incidents of unwelcomed or offensive conduct or a single incident depending on the severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's performance. All forms of harassment are prohibited.
- 3.10. Employees are prohibited from engaging in conduct that a reasonable person would consider to be harassing or discriminatory. This prohibition applies to all actions that may arise from or occur as a result of work, which includes but is not limited to:
- Anywhere employees are conducting business on County's behalf, including County offices, buildings, properties, partner locations, in the community or any other place work is performed
 - During work-related trips, travel, training, meetings, events, or social activities

- Through work-related communications including those enabled by information and communication technologies such as emails, texts, messaging applications, social media platforms, and other communication methods.
- 3.11. Reporting Violations and Protection against Retaliation
- 3.11.1. Employees who believe they have been subjected to, or witnesses of, possible discrimination, harassment, or retaliation based on such actions should report any violations of this policy as soon as possible, but no later than 30 days following the violation, using the anti-discrimination and harassment reporting procedure, which is available online or by contacting Human Resources. Employees may request assistance from Human Resources if needed. Reports received after 30 days will be dismissed.
- 3.11.2. The names of employees who report violations or participate in internal investigations will be kept confidential to the fullest extent possible.
- 3.11.3. Employees are encouraged to report violations directly to Human Resources but may report violations to a county supervisor whom they feel comfortable with. Any supervisor receiving such information is responsible for informing Human Resources of any incident or report of discrimination, harassment, or retaliation as soon as practical, but no later than the end of the following business day, using the anti-discrimination and harassment reporting procedure.
- 3.11.3.1. An allegation of harassment against the County Manager or elected official must be filed with the Internal Auditor Director.
- 3.11.4. Human Resources will conduct a prompt, thorough, and impartial investigation in response to any allegations of discrimination, harassment, or retaliation. Pending completion of an investigation, interim steps may be taken to protect employees, limit disruption to business operations, or protect the integrity of the investigation. Interim measures are neither disciplinary action nor an indication of belief regarding the truth of allegations or the outcome of the investigation.
- 3.11.5. The County will take immediate and appropriate corrective action when it determines that discrimination, harassment, or retaliation has occurred and offer support to injured parties and bystanders. Human Resources will ensure reporters and/or injured parties are notified when the investigation is completed.
- 3.11.6. The County prohibits any form of retaliation or attempted retaliation against employees who file a complaint under this policy or who participate in an investigation. This protection does not include immunity for unacceptable personal conduct, performance deficiencies or policy violations.
- 3.11.7. The non-finding of any employee's discrimination or harassment complaint has no bearing on the employee's ability to bring a charge of discrimination with the Equal Employment Opportunity Commission.
- 3.12. Individual Responsibilities
- 3.12.1. Preventing discrimination and harassment from occurring in the County's workplaces is preferable to remedying the consequences of such actions and

This is a controlled document for internal use only. Any documents appearing in paper form are not controlled and should be verified with the electronic file version prior to use. For support related to this policy and procedures, contact the Human Resources Department.

conduct. The County is committed to providing training and professional development activities to support employees' understanding and awareness to prevent discrimination and harassment.

3.12.2. All employees, regardless of position, are responsible to:

- Read and comply with this policy.
- Ensure that their conduct does not in any way harass or discriminate against any other person in the course of their employment with the County.
- Request guidance from their supervisor if they are unsure whether any of their behaviors or circumstances may be a breach of the policy.
- Report any violations of this policy using the anti-discrimination and harassment reporting procedure.
- Fully cooperate in any internal investigation of alleged discrimination, harassment, or retaliation.

3.12.3. In addition to the above, all supervisors, managers, and administrators are responsible to:

- Make employees aware of this policy.
- Request assistance and/or interpretation from Human Resources regarding questions about the policy
- Lead by example. Create and maintain a workplace free from discrimination and harassment. Do not condone or ignore violations of this policy.
- Document and respond in an appropriate and timely manner to incidents or reports of discrimination or harassment.
- Inform Human Resources of any incident or report of discrimination, harassment, or retaliation as soon as practical, but no later than the end of the following business day, using the anti-discrimination and harassment reporting procedure.
- Maintain the confidentiality of all such reports to the extent provided/allowed by law.
- Ensure that employees are provided training related to the topics as required by their department/program.

4. **Policy Non-Compliance**

Employees violating the terms and conditions of this policy may be subject to appropriate disciplinary action, up to and including dismissal.

5. **Audit**

All policies for Buncombe County may be subject to audit or review as outlined in the [Internal Auditor's Statement](#).

6. **Definitions**

- **Cultural Competence:** the ability of staff to interact effectively with people from different cultures.

This is a controlled document for internal use only. Any documents appearing in paper form are not controlled and should be verified with the electronic file version prior to use. For support related to this policy and procedures, contact the Human Resources Department.

- **Discrimination:** adverse or less favorable treatment and any distinction or exclusion of any employee based on an employee’s Protected Class rather than because of legitimate business reasons with respect to the terms, conditions, or privileges of employment.
- **Harassment:** Unwelcome conduct that is based on a Protected Class.
- **Protected class:** refers to groups of people who are legally protected from being harmed or harassed by laws, practices, and policies that discriminate against them due to a shared characteristic, whether actual or perceived, including: race, natural hair or hairstyles, ethnicity, creed, color, sex, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, pregnancy, veteran status, religious belief or non-belief, age, disability or any other legally protected class under federal or NC State law.
- **Quid Pro Quo Harassment.** Consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when (1) submission to such conduct is made explicitly or implicitly a term or condition of an individual’s employment, or (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

7. **Approval and Revision History**

Policy Origination Date:	11/07/2023
Requires Board Approval:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Board Approval Date:	November 7, 2023
Revision History:	Enter Dates and changes

This is a controlled document for internal use only. Any documents appearing in paper form are not controlled and should be verified with the electronic file version prior to use. For support related to this policy and procedures, contact the Human Resources Department.