

A RESOLUTION ADOPTING A COUNTY-WIDE EQUITY AND INCLUSION STATEMENT
AND A NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY AND AMENDING THE
BUILDING MAINTENANCE/ MODIFICATION POLICY

WASHTENAW COUNTY BOARD OF COMMISSIONERS

November 4, 2020

Sponsored by: Commissioners Morgan, Jefferson, Scott, and Shink

WHEREAS, over the last several years, Washtenaw County has embarked on an equity initiative to address institutional racism; and

WHEREAS, as part of the equity initiative, the County has adopted an Equity Policy, hired a Racial Equity Officer, evaluated the County's practices that contribute to institutional racism and declared racism as a public health emergency; and

WHEREAS, the equity work is ongoing and includes review of existing policies and procedures like the County's current non-discrimination and anti-harassment policies; and

WHEREAS, at the present time, Washtenaw County's non-discrimination and anti-harassment county-wide policies are internally facing and only prohibit discrimination and harassment in the context of employment; and

WHEREAS, discrimination can occur in many other ways beyond employment matters; and

WHEREAS, residents, clients, customers, and vendors who engage with the County to receive services or assist in providing services can also be victims of discrimination or harassment; and

WHEREAS, given Washtenaw County's emphasis on the importance of equity and inclusion, it is necessary to adopt a policy that covers anyone who encounters the County; and

WHEREAS, it has been a long-held position of the County that no one should be subjected to discrimination or harassment in relation to County business; and

WHEREAS, the spaces owned and maintained by Washtenaw County should be welcoming and responsive to the needs of the community, public, and staff who use them; and

WHEREAS, Washtenaw County's policies should reflect the value it places on diversity; and

WHEREAS, the diversity of the community has been the source of innovative ideas and creative accomplishments throughout the County's history and into the present; and

WHEREAS, Washtenaw County values the differences of the community and embraces the diverse backgrounds of all who come before the County; and

WHEREAS, the residents, elected officials, staff, community partners, contractors, vendors, volunteers and visitors of Washtenaw County represent many diverse characteristics, beliefs and affiliations; and

WHEREAS, recognizing this rich diversity, Washtenaw County seeks to offer all community members an equitable, inclusive, welcoming, secure, responsive and affirming environment that fosters mutual respect, empathy and trust.

NOW THEREFORE, BE IT RESOLVED, the Washtenaw County Board of Commissioners hereby adopts the Equity and Inclusion Statement and Non-Discrimination and Anti-Harassment Policy, as attached hereto and made part hereof, to be applicable to all divisions and departments within the County.

BE IT FURTHER RESOLVED THAT the Washtenaw County Board of Commissioners amends the Washtenaw County Building Maintenance/ Modification policy, as attached hereto and made part hereof.

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Beeman	X			LaBarre	X			Shink	X		
Brabec	X			Maciejewski	X						
Jamnick	X			Morgan	X						
Jefferson	X			Scott	X						

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY

ROLL CALL VOTE:

9 0 0

STATE OF MICHIGAN)

I, Lawrence Kestenbaum, Clerk/Register of said County of Washtenaw and Clerk of Circuit Court for said County, do hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Washtenaw County Board of Commissioners at a session held at the County Administration Building in the City of Ann Arbor, Michigan, on November 4, 2020, as it appears of record in my office.

COUNTY OF WASHTENAW)^{SS}.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 5th day of November, 2020.

LAWRENCE KESTENBAUM, Clerk/Register

BY: _____ Deputy Clerk



Res. No. 20-160

Equity & Inclusion Statement

The diversity of the people of Washtenaw County has been the source of innovative ideas and creative accomplishments throughout the County's history and into the present. Diversity – a defining feature of Washtenaw's past, present, and future – refers to the variety of personal experiences, values and worldviews that arise from differences of culture, circumstance, socioeconomic status and geographic region.

The residents, elected officials, staff, community partners, contractors, vendors, volunteers, and visitors of Washtenaw County represent many diverse characteristics, beliefs and affiliations. Recognizing this rich diversity, Washtenaw County seeks to offer all community members an equitable, inclusive, welcoming, secure, responsive and affirming environment that fosters mutual respect, empathy and trust.

To nurture this environment, several principles of community have been established to guide the provision of government services and operations. Adherence to these principles is essential to ensure the integrity of the County and to achieve community goals of a diverse, open and inclusive community. All are asked to acknowledge and practice these basic principles:

- We recognize, value, and affirm that our rich diversity contributes to the excellence of Washtenaw County and enhances the quality of life for individuals and groups. We encourage one another to apply our unique talents in creative and collaborative work, take pride in our various achievements and celebrate our differences.
- We reject all acts of discrimination and harassment consistent with the County's non-discrimination and anti-harassment policy. We commit ourselves to fostering an atmosphere of equity and inclusion.
- We are committed to providing a welcoming County environment where each person can benefit from the highest principles of openness and integrity. As a public organization, we are committed to transparency in our dealings so that we may engender trust from all our residents.
- We affirm the right of freedom of expression within the Washtenaw community and commit to the highest standards of civility and decency. We are committed to maintaining a community where communication is courteous, sensitive, respectful and never demeaning.
- We will form a County infrastructure that is responsive to the needs of our community. We have empathy for others and will establish systems which address the needs of the one and the many.

Non-Discrimination and Anti-Harassment Policy

Washtenaw County is committed to maintaining a respectful, productive, inclusive, and equitable community. Therefore, all elected officials and employees are expected to act with fairness, civility, integrity and to treat all community members, customers, and coworkers equitably. Discrimination, harassment, sexual harassment, retaliation, and other inappropriate conduct that undermines the integrity of the provision of government services or the employment relationship is prohibited. All complaints of conduct inconsistent with these expectations, regardless of whether the conduct rises to the level of unlawful discrimination, harassment or retaliation will be investigated and substantiated complaints will result in prompt, corrective action, up to and including termination.

Washtenaw County prohibits discrimination or harassment of any kind that is related to anyone's race, color, sex, age, creed, disability, marital status, national origin, religion, pregnancy, gender, gender identity or expression, genetic information, sexual orientation, veteran or military status, use of a service animal, height, weight, political beliefs or any other status protected by federal, state and local law. Additionally, Washtenaw County prohibits retaliation of any kind against employees, who in good faith, report harassment, discrimination or retaliation, or assist in the investigation of such complaints.

Reporting procedures shall be outlined in an accompanying procedure. If an employee or member of the public would like to report conduct in violation of this policy, they should refer to the procedure for specific instructions.

This statement is intended to serve as an umbrella policy for all County policies and procedures relating to discrimination and harassment.

DEFINITIONS:

Discrimination occurs when an employer takes a discrete adverse employment action against an employee and the employee's protected status was a substantial factor in the employer's decision. In the context of encounters with the public, discrimination occurs when a member of the public is treated differently or denied a public service and the individual's protected status was a substantial factor in the decision.

Disability Discrimination occurs when the employer knows that an employee is unable to perform an essential function of the job due to a disability and fails to provide a reasonable accommodation that would enable the employee to perform the essential function.

Discrete Adverse Employment Action, in the case of discrimination, is an action that substantially affects the terms, conditions, or privileges of employment. It includes, but is not limited to, discipline, discharge, layoff, and a failure to hire or promote.

Protected Status includes an individual's race, color, sex, age, creed, disability, marital status, national origin, religion, pregnancy, gender, gender identity or expression, genetic information, sexual orientation, veteran or military status, use of a service animal, height, weight, political beliefs or any other status protected by federal, state and local law.

Harassment is unwelcome conduct that can take many forms, including but not limited to, innuendoes, unwelcome compliments, suggestive or insulting noises, facial expressions, vulgar language, nicknames, slurs, derogatory comments, cartoons, jokes, pranks, written materials, and offensive gestures or touching. It is illegal when:

- Enduring the conduct becomes a condition of continued employment; or
- The conduct is severe or pervasive enough to create an environment that a reasonable person would consider intimidating, hostile, or abusive.

Sexual Harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, displays of sexually oriented material, or other verbal or physical conduct of a sexual nature:

- Is explicitly or implicitly made a term or condition of employment.
- Is used as a basis for an employment decision; or
- Unreasonably interferes with an employee's work performance, or creates an intimidating, hostile or otherwise offensive environment.


Both the victim and the harasser can be the same gender or gender identity.

Retaliation occurs when a supervisor, manager or person of authority takes a discrete adverse employment action against an employee because the employee reported discrimination, harassment or retaliation or assisted in the investigation or proceeding of such complaints.

Inappropriate Conduct is conduct that, while not rising to the level of unlawful discrimination, harassment, or retaliation, communicates a hostile, derogatory, or negative message about persons based on protected status. Inappropriate conduct can be either verbal or nonverbal and includes slights, insults, and other conduct that a reasonable person would find offensive.

Disability is a sensory, mental or physical impairment that: (1) is medically recognized or diagnosable; (2) exists as a record or history; or (3) is perceived by the employer to exist, whether or not it actually exists. A disability exists whether it is temporary or permanent, common, or uncommon, mitigated, or unmitigated, limits the ability to work generally or work at a particular job, or limits any other activity.

Building Maintenance/Modification

	Washtenaw County Policy		
Title: Building Maintenance/Modification	Enabling Resolution: 20-XXXX	Supersedes: 06-0123	Effective Date: <div style="text-align: right;">TBD</div>

I. Application:

This policy shall govern the provision of building maintenance/modification by the Facilities Management Department.

II. General Policies:

A. Support Services - Facilities Management shall provide building maintenance/modification services to County buildings.

B. Support Services – Facilities Management shall review all requests for building maintenance/modifications. The process whereby maintenance/modification is achieved shall be a team effort involving the requesting department and Support Services under the direction of the County Administrator.

C. All maintenance/modifications shall be in conformity with the County Space Plan.

D. Safe access to restrooms is a necessity and essential for participation in civic life and the workplace. All single occupancy restrooms in county owned and operated facilities will be indicated by signage stating that the restroom may be used by people of all gender identities and expressions, and all future building construction and renovation projects will prioritize the use of single-occupancy restrooms or include single-occupancy restrooms in each building to address the restroom needs of the facility.