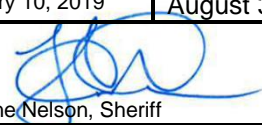




# DESCHUTES COUNTY SHERIFF'S OFFICE

Policy Title: <b>Harassment/Discrimination in the Workplace</b>	Effective Date: February 10, 2016	Policy Number: <b>3.60</b>	
Accreditation Reference: 1.5.8	Review Date: February 10, 2019	Supercedes: August 30, 2012	Pages: 4
Attachments:	 L. Shane Nelson, Sheriff		

## I. PURPOSE

The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating and resolving complaints of harassment and discrimination. Title VII of the Civil Rights Act of 1964, ORS 659A.030 and other Oregon and Federal laws prohibit harassment or discrimination on the basis of protected class status.

## II. POLICY

It is the policy of this law enforcement agency that all members have the right to work in an environment free of all forms of harassment. This agency will not tolerate, condone, or allow harassment of or by members, whether sworn (regular or reserve), civilian, volunteer or other non-members who conduct business with this agency. This agency considers harassment and discrimination of others a form of serious misconduct. Therefore, the agency shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and discrimination. A violation of this agency policy can lead to discipline up to and including termination, with repeated violations, even if "minor," resulting in greater levels of discipline as appropriate.

## III. DISCUSSION

### A. Prohibited Activity

1. No member shall either explicitly or implicitly ridicule, mock, deride or belittle **any person**.
2. Language, behavior or other communication of a derogatory, demeaning or offensive nature which is directed to any other person, whether a Sheriff's Office member or a private citizen.
3. Members shall not make offensive or derogatory comments to any person, either directly or indirectly, based on race, color, sex, religion, age, disability, sexual orientation or national origin. Such harassment is a prohibited form of discrimination under state and federal employment law and is considered misconduct subject to disciplinary action by this agency.
4. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - a. submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
  - b. submission to or rejection of such conduct by an member is used as the basis for employment decisions affecting the member; or

- c. such conduct has the purpose or effect of unreasonably interfering with an member's work performance or creating an intimidating, hostile or offensive working environment.
5. Individuals covered under the policy include agency members defined as members and applicants for employment with the agency, whether sworn, regular, reserve or civilian, and all volunteers.

## **B. Supervisor Responsibilities**

Each supervisor shall be responsible for preventing acts of harassment. This responsibility includes:

1. Monitoring the unit work environment on a daily basis for signs that harassment may be occurring;
2. Counseling all members on the types of behavior prohibited, and the agency procedures for reporting and resolving complaints of harassment;
3. Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved members are within his/her line of supervision; and
4. Taking immediate action to prevent retaliation towards the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment, pending investigation.
  - a. if a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant.
  - b. transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.
5. Failure to carry out these responsibilities will be considered in any evaluation or promotional decision and may be grounds for discipline.

Each supervisor has the responsibility to assist any member of this agency who comes to that supervisor with a complaint of harassment to document and file a complaint with the internal affairs function or other investigatory authority as designated by this agency.

## **C. Member Responsibilities**

Each member of this agency is responsible for assisting in the prevention of harassment through the following acts:

1. Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
2. Reporting acts of harassment to a supervisor;
3. Encouraging any member who confides that he or she is being harassed or discriminated against to report these acts to a supervisor; and
4. Completing the Non-Harassment Certification that is attached to Employee Evaluation (see [Policy 3.06, Employee Performance Appraisals](#)).

Failure of any member to carry out the above responsibilities will be considered in any performance evaluation or promotional decision and may be grounds for discipline.

## **D. Complaint Procedures**

1. Any member encountering harassment is encouraged to inform the person that his or her actions are unwelcome and offensive. The member is encouraged to document all incidents of harassment in order to provide the fullest basis for investigation.
2. Any member who believes that he or she is being harassed shall report the incident(s) as soon as possible so that steps may be taken to protect the member from further harassment, and so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, such as the offending party is within the complainant's chain of command, the member may instead file a complaint with another supervisor or the Sheriff.

3. The supervisor or other person to whom a complaint is given shall meet with the member and document the incident(s) complained of, the person(s) performing or participating in the harassment, any witnesses to the incident(s) and the date(s) on which it occurred.
4. The agency member taking the complaint shall promptly submit a confidential memorandum documenting the complaint to the appropriate investigative authority.

#### **E. Internal Affairs Investigation**

The internal affairs function shall be responsible for investigating any complaint alleging harassment or discrimination.

1. The internal investigative authority shall immediately notify the Sheriff and the District Attorney's Office if the complaint contains evidence of criminal activity, such as assault, rape or attempted rape, or menacing.
2. Unless exceptional circumstances exist, within thirty days of receiving the complaint the investigator will conclude the investigation. This investigation shall include any findings on whether other members are being harassed by the person and whether other members participated in or encouraged the harassment.
3. The internal affairs function shall inform the parties involved of the outcome of the investigation.

#### **F. Corrective Action for Violations**

After an investigation is conducted, appropriate corrective action will be taken in all cases in which the Sheriff concludes a violation of this policy has occurred.

1. Corrective action can include, but is not limited to, counseling, warning, additional training or instruction, reassignment, oral or written reprimand, suspension without pay, dismissal from employment or other disciplinary action which is consistent with the collective bargaining agreement or Sheriff's Office policies given the seriousness of the conduct and all relevant circumstances.
2. Any corrective action must be approved by the Sheriff and be documented in writing.
  - a. a file of harassment and discrimination complaints shall be maintained by Human Resources in a secure location in the command offices. The Sheriff shall be provided with an annual summary of these complaints.
  - b. there shall be no retaliation against any member for filing a harassment or discrimination complaint, or for assisting testifying or participating in the investigation of such a complaint.
  - c. the complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.
  - d. complainants or members accused of harassment may file a grievance/appeal in accordance with agency procedures when they disagree with the investigation or disposition of a harassment claim.
  - e. this policy does not preclude any member from filing a complaint or grievance through county procedures or with an appropriate outside agency.

#### **G. Retaliation**

1. Retaliation against any member for filing a harassment or discrimination complaint, or for assisting, testifying, participating in the investigation of such a complaint, is unlawful and is prohibited by this agency and by federal statutes.
2. Retaliation is a form of misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints.
3. Monitoring to ensure that retaliation does not occur is the responsibility of the Sheriff, supervisors and appropriate internal affairs function.

## **H. Appeals**

Appeals of any corrective or disciplinary action imposed pursuant to this policy shall be taken in accordance with the grievance procedures established in the collective bargaining agreement, or, if no collective bargaining agreement applies, according to Sheriff's Office policies or County Human Resources rules.