



DESCHUTES COUNTY SHERIFF'S OFFICE

| | | |
|--|--|---------------------------------|
| Policy Title: Harassment/Discrimination in the Workplace | Effective Date: April 4, 2024 | Policy Number: 3.60 |
| Accreditation Reference: 1.5.8 | Review Date: April 4, 2027 | Supersedes: December 4, 2020 |
| 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 and resolving complaints of harassment and discrimination. Title VII of the Civil Rights Act of 1964, ORS 659.030 and other state and federal laws prohibit harassment and discrimination on the basis of protected class status.

II. POLICY

DCSO maintains a "Zero Tolerance" policy regarding harassment and discrimination in the workplace. It is the policy of this agency that all members have the right to work in an environment free of all forms of harassment. The Office of Sheriff will not tolerate, condone or allow harassment of or by members, whether by the Office, sworn (regular or reserve), civilian, volunteer, intern or 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. Pursuant to OAR 265-010-0005, the presumptive sanction for a sustained finding of sexual harassment is demotion, suspension without pay, or salary reduction. The mitigated sanction is written reprimand and the aggravated sanction, termination. OAR 265-010-0005 (1),(2),(3).

III. DEFINITIONS

1. *Sexual Harassment* is defined as unwelcome sexual advances, requests for sexual favors and other verbal and 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 a member is used as the basis for employment decisions affecting the member (quid pro quo).
2. *Hostile work environment* is defined as conduct that is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or offensive, based upon a person's protected class status.

IV. DISCUSSION

A. Prohibited Activity

1. No member shall either explicitly or implicitly ridicule, mock, deride or belittle any person.
2. No member shall direct language, behavior or other communication of a derogatory, demeaning or offensive nature toward any 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 an individual's real or perceived age, race, ethnicity, color, national origin, language, sex, gender identity, sexual orientation, political affiliation, religion, marital status, homelessness or disability. 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. Conduct meeting the definition of sexual harassment or hostile work environment as defined above in this policy is strictly prohibited.
5. Individuals covered under this policy include agency members and applicants for employment with the agency, whether sworn, regular, reserve or civilian, volunteers and contract workers.

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 their line of supervision; and,
4. Taking immediate action to prevent retaliation towards the complaining party and to eliminate the alleged 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 and 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. A certified member who witnesses sexual harassment must, without regard to rank or assignment, immediately intervene to stop the sexual harassment if it is safe to do so. ORS 181A.681(2).
2. Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
3. Reporting acts of harassment to a supervisor -- sexual harassment must be reported to a supervisor or the chain of command within 72 hours as required by ORS 181A.681(3);
4. Encouraging any member that confides that they are being harassed or discriminated against to report these acts to a supervisor.

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 their actions are unwelcome and offensive. The member is encouraged to document all incidences of harassment in order to provide the fullest basis for investigation.
2. Any member who believes that they are being harassed shall report the incident(s) as soon as possible to their immediate supervisor so that steps may be taken to protect the member from further harassment, and so that appropriate investigative and disciplinary measures may be initiated. The Sheriff's Office has the responsibility to investigate. 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, the Sheriff, a captain or Sheriff's Office Human Resources, Deschutes County Human Resources, the Bureau of Labor and Industries (BOLI) complaint procedure, or any other available law. Available remedies may include timely notice of tort claim or timely civil lawsuits (state or federal). Remedies involving legal action may have time requirements – members may wish to consult an attorney to ensure timely action.
3. Any member making a complaint regarding workplace harassment may also contact Sheriff's Office Human Resources with regard to any available counseling and legal resources.
4. The Sheriff's Office shall not require or coerce a member to enter into a nondisclosure or non-disparagement agreement, however a member may voluntarily request to enter into such an agreement and be provided seven (7) days to consider the agreement. Such an agreement may be defined as a legal contract between at least two parties that outlines confidential material, knowledge, or information that the parties wish to share with one another for certain purposes, but wish to restrict access to or by third parties.
5. The supervisor or other person to whom the 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, even if the person subjected to the harassing behavior does not want action taken. The supervisor shall also provide a copy of the agency policy regarding harassment and discrimination and provide the complainant with a contact within the agency regarding timelines for the investigation.
6. The agency member taking the complaint shall promptly submit a confidential memorandum documenting the complaint to the appropriate investigative authority or their supervisor.
7. The memorandum and all applicable records associated with the investigation shall be maintained in the Sheriff's Office Human Resources in compliance with applicable retention requirements.

E. 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 the Sheriff's Office and by federal law.
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 all supervisors.

F. Further Action

Sheriff's Office Human Resources shall make available to involved parties, information involving any legal resources, counseling and support services. Sheriff's Office Human Resources shall follow up with the subject of the investigation of the alleged harassment regularly in the year the complaint was made, at a minimum of every three months, to determine if the alleged harassment was stopped or if retaliation has been experienced, unless the subject of the investigation objects to such action in writing.