

Unlawful Harassment and Discrimination

328.1 PURPOSE AND SCOPE

The Orange County Sheriff-Coroner Department is committed to providing a professional and supportive work environment free from unlawful harassment. Department policy prohibits harassment and/or discrimination based on sex (gender), denial of family and medical leave, denial of pregnancy disability leave, childbirth or related medical conditions, disability or reasonable accommodation, race, veteran status, religious creed, color, national origin or ancestry, physical or mental medical disability, marital status, age, sexual orientation, gender identity, or any other biases protected by federal, state or local law. This prohibition includes Members, applicants, independent contractors, and persons providing delivery service.

Discrimination and harassing behavior can not only be personally damaging to the individual(s) involved, but can also be damaging to the workplace in terms of conflict, decreased productivity, unpleasant environment, and the degradation of interpersonal relationships and overall morale.

The Department policy is intended to protect the Department's Members from unlawful harassment and/or discrimination by any person in connection with the Member's performance of their job duties for the Department. The Department encourages all Members to report incidents of unlawful harassment and/or discrimination to the appropriate resource as soon as possible so that the complaint can be timely and fairly resolved.

Supervisors have a specific responsibility to maintain a professional, respectful work environment. Failure to maintain a neutral work place could result in remedial action and potential civil penalties. A recent change in California law provided that co-workers can be held individually liable for actions taken against other co-workers, regardless of whether their employer knew or should have known about the conduct and whether the employer took corrective action.

Harassing conduct may include, but is not limited to, the following behavior:

1. Verbal conduct such as epithets, derogatory jokes, comments, slurs, threats, or unwanted sexual advances, invitations or comments;
2. Visual conduct such as derogatory or sexually oriented posters, photography, cartoons, emails, drawings, or gestures;
3. Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with one's work; and
4. Retaliation for reporting or threatening to report harassment.

Harassing conduct may be unlawful under the following circumstances:

1. Submission to the conduct is made either an explicit or implicit term or condition of employment;
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the Member (quid pro quo harassment, "this-for-that");

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3. The conduct has the purpose or effect of unreasonably interfering with a Member's work performance or creates an intimidating, hostile or offensive work environment (hostile environment harassment).

This means any unwelcome behavior that threatens a Member's or applicant's job security, promotional opportunity, pay increase, etc. or that creates an environment in which the Member or applicant feels offended, intimidated, or threatened based on their legally protected status, is considered to be harassing conduct. The Department will not tolerate such harassing conduct or offensive work environment. In addition, while some unprofessional or offensive conduct may not rise to the legal definition of a hostile work environment, it still may constitute inappropriate behavior in the workplace and be subject to remedial action.

If you believe you are being unlawfully harassed and/or discriminated by another person in the workplace, the Department recommends that you tell that person in a clear manner that their conduct is unwelcome and you want it to stop. The key to dealing with any type of discrimination or harassment is either immediate confrontation and resolution, or reporting. Failure to take immediate action typically results in aggravation of the situation and/or continued offending behavior over a period of time. If you are uncomfortable confronting the offending person(s) or if the conduct does not cease after you have warned the offending person(s) to stop, you should complain to your immediate supervisor. If your immediate supervisor is the offending person, report the complaint to the next supervisor in the chain of command. As an alternative, you can make the complaint to Sheriff's Human Resources/Professional Standards Division at (714) 834-5100, or contact the County's Equal Employment Opportunity Access office at (714) 834-5259, or you can contact outside agencies such as the Equal Employment Opportunity Commission (EEOC) or Department of Fair Employment and Housing (DFEH).

It is the expectation of the Sheriff's Department that any Member who is either subjected to behavior which they believe to be harassment and/or discrimination, or which is unwelcome, including inappropriate comments and/or unwanted touching, or who becomes aware of such behavior, immediately take action by confronting the offending party or by following this reporting procedure. Make your complaint to whomever you feel more comfortable making the notification. Supervisors are instructed to take immediate corrective action and to report complaints of sexual or other unlawful harassment to Professional Standards Division for investigation, determination, and resolution.

When making a complaint of unlawful harassment and/or discrimination you should be prepared to provide the Department with a description and the frequency of the conduct, the name(s) of the offending person(s), the names of all witnesses to the conduct, and your response to the conduct.

Every complaint of harassment and/or discrimination reported to the Department shall be investigated in a timely, thorough, impartial, and confidential manner. The Department will not tolerate retaliation against any Member for cooperating in an investigation into a complaint of harassment and/or discrimination or making a truthful complaint to a supervisor or to the Professional Standards Division regarding unlawful harassment and/or discrimination. A Member who makes an allegation of potential harassment and/or discrimination can be assured that the

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matter will be handled with sensitivity, and that the person reporting will not experience retaliation from any source, regardless of the ultimate disposition of the matter. The maintenance of an environment where Members feel comfortable bringing matters of this nature to the attention of the Department is critical, and will be the responsibility of all supervisory and management personnel.

The Department shall make every effort to maintain the information presented within the complaint with strict confidentiality. During the complaint investigation process, it may be necessary to disclose information to the parties involved in order to complete a thorough investigation. Information shall be disclosed on a need to know basis and all parties involved will be directed not to discuss the circumstances with those outside of the investigation process.

If the Department determines that unlawful harassment and/or discrimination has occurred, effective remedial action shall be taken appropriate to the circumstances. Any Members determined by the Department to be responsible for harassment and/or discrimination shall be subject to appropriate disciplinary action, up to and including termination.

A Department representative shall notify the complainant and accused of the results of the Department's investigation. The Department shall not retaliate against any Member for filing a complaint of harassment and/or discrimination and shall not tolerate retaliation by anyone else against a Member complaining of unlawful harassment.

It is the responsibility of every Member to prevent harassment and/or discrimination of any kind and to maintain a workplace free of hostility and conflict. We must be diligent in dealing with one another in a manner that fosters goodwill, respect, and an appreciation for our individual differences. While self-discipline and the courage to challenge one another in the face of minor offensive acts are usually sufficient to maintain a wholesome workplace, there are also instances involving such behavior when immediate reporting is the only option. Each Member is asked to join together in a commitment to behave in a manner consistent with good taste, propriety, County and Department policy, and the law. Further, each Member is asked to make a commitment to immediately confront and resolve, or immediately report, any behavior that appears associated with any form of harassment and/or discrimination.

To ensure all Members are aware of this policy, it shall be posted in common areas, reissued annually with the Member's performance evaluations, distributed during new Member orientations, incorporated in the Rules and Regulations manual, and shall be available for copy or review at Professional Standards Division.