

Prohibition on Abusive Conduct

330.1 PURPOSE AND SCOPE

The Orange County Sheriff's Department is committed to providing a professional and supportive work environment free from abusive conduct. Department policy prohibits any Member to engage in abusive conduct towards other employees, interns, volunteers, applicants, clients, independent contractors, or members of the public. In addition, this policy extends to all locations where Department business is conducted, settings in which individuals may find themselves in connection with their jobs (such as business trips or business-related social functions), as well as other settings that impact the workplace. Violation of this policy may lead to disciplinary action, up to and including termination.

330.2 BACKGROUND

Abusive conduct, as used in this policy, includes bullying and hazing. Abusive conduct can be written, verbal, visual, or physical in nature. Abusive conduct is contrary to the Department's Core Values of integrity without compromise, service above self, and professionalism in the performance of duty. These values are guiding principles for treating others with dignity and respect in the workplace. Abusive conduct is damaging to the individuals involved and destructive to a healthy workplace in terms of causing increased conflict, decreased productivity, degradation of interpersonal relationships and diminishing overall morale. Every Member must be afforded the opportunity to be a productive and contributing member free of abusive conduct and its negative effects.

330.3 POLICY

Abusive conduct is prohibited and will not be tolerated. No Member may engage in abusive conduct. Soliciting or coercing another Member to perpetrate abusive conduct is also considered a violation of this policy.

Actual or implied consent to acts of abusive conduct does not excuse the actions of the perpetrator(s).

Retaliation for reporting abusive conduct is also strictly prohibited.

330.4 DEFINITIONS AND EXAMPLES

Abusive conduct:

Abusive conduct is defined as conduct in or in connection with the workplace that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include the use of derogatory remarks, insults, and/or epithets; verbal, or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or the purposeful sabotage or undermining of a person's work performance. Abusive conduct can take many forms, and may occur in different settings, including through electronic communication or messages, also known as "cyber bullying".

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A single act may not constitute abusive conduct, unless it is severe and egregious. Abusive conduct does not include exercising reasonable and appropriate supervision or performance management of employees.

Examples of abusive conduct may include, but are not limited to:

- Spreading false information and/or rumors about another
- Persistent or egregious use of insulting, belittling, or offensive language
- Behavior, language, or gestures that frighten, humiliate, or degrade, including criticism that is delivered with yelling, screaming, threats, or insults
- Encouraging others to act, singly or in a group, to intimidate or harass other individuals
- Repeated inappropriate comments about a person's appearance, lifestyle, or family
- Regularly making someone the target of pranks or practical jokes
- Inappropriately interfering with a person's property or work equipment
- Circulating without permission inappropriate photos, videos, or information via e-mail, social media, or other means
- Making unwanted physical contact in a way that would cause discomfort and unease (and does not constitute sexual harassment subject to the County's EEO Policy and Department Policy 328)
- Repeatedly calling someone a humiliating nickname

Bullying:

Bullying is defined as conduct whereby any Department member, without proper authority or for no legitimate business purpose, causes a Member to suffer or be exposed to any activity that is cruel, abusive, unreasonable, humiliating, oppressive, threatening, demeaning, or harmful.

Hazing:

Hazing is defined as conduct whereby a Department member, without proper authority or for no legitimate business purpose, causes a Member to suffer or be exposed to any activity that is cruel, abusive, unreasonable, humiliating, oppressive, threatening, demeaning, or harmful for the purpose of initiation into, admission into, affiliation with, change in status or position within, or a condition for continued employment with, the Department, a team, or assignment.

Examples of bullying and hazing may include, but are not limited to, the following:

- Forcing, compelling, coercing, or forcefully pressuring another to:
 - Wear clothing or gear that deviates from the Department-issued uniform or clothing customary to a particular work-related setting.
 - Telling trainees to wear: white undershirts when black ones are customarily worn, or a wool Class A or B uniform when a tactical uniform is typically called for, or academy dress shoes when standard black duty boots are usually worn.
 - Use their own private funds to arbitrarily and gratuitously supply food, drinks, or other goods to more senior Members

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- Any form of initiation or rite of passage that involves unwanted physical contact
- Abusive or mean-spirited tricks intended to ridicule, humiliate, or ostracize
- Written, verbal, visual, or physical harassment or abuse
- Derogatory remarks, insults, and epithets
- Taunting or berating of another for the purpose of belittling or humiliating
- Intentionally damaging another person's property
- Threats of violence or bodily harm to another
- Encouraging another person to engage in illegal, harmful, demeaning, or dangerous acts
- Prohibiting a Member, for no legitimate reason, from using a facility or resource that is open and readily available to other personnel, such as facility gyms, breakrooms, and/or locker rooms
- Forcing, insisting, or requiring, without a supervisor's approval and/or for no legitimate business purpose, that a Member perform all or a majority of shift duties that are expected to be or are customarily shared by all assigned shift personnel

Retaliation:

Retaliation is defined as taking any adverse action against an employee for engaging in a protected activity. Protected activity includes an employee's reporting of, assisting with the reporting of, or intent to report abusive conduct. It also includes an employee's participation in an investigation into or in proceedings related to a claim of abusive conduct.

330.5 DISCRIMINATION AND HARASSMENT BASED ON PROTECTED CHARACTERISTICS

Abusive conduct that is directed at or based on a person's protected characteristics may also violate Department Policy 328 – Prohibition on Harassment and Discrimination and the County's EEO Anti-Harassment and Discrimination Policy, which prohibits such harassment and discrimination.

330.6 REPORTING VIOLATIONS

Anyone who experiences or witnesses behavior that they believe violates this policy is encouraged to immediately tell the offending individual that the behavior is inappropriate and, if they feel comfortable doing so, to tell the offending individual to stop the behavior.

The affected person or witness should also immediately report the alleged violation to any of the following:

- Their supervisor or manager or any other supervisor or manager; or
- Any Professional Standards Division (PSD) Human Resources (HR) team member

If the alleged offender is the person's supervisor or manager, they should report the conduct to another supervisor or manager, or to a PSD HR team member. A person making a report does not need supervisor or manager approval to contact any other supervisor, manager, or

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Sheriff's Human Resources/Professional Standards Division at 714-834-5100. There is no chain of command when reporting violations of this policy.

For additional information, see the County of Orange Abusive Conduct Prevention Policy.