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|  | LANE COUNTY SHERIFF'S OFFICE POLICY | Number: G.O. 4.06 |
| | | Issue Date: March 21, 2005 |
| | | Revision Date: November 2, 2005; August 21, 2008 |
| CHAPTER: Employee Conduct | | Related Policy: APM, Chapter 3, Section 53, Harassment; G.O. 3.13 (Internal Investigations), G.O. 4.02 (Code of Conduct), G.O. 4.07 (Sexual Misconduct with Suspects, Inmates and Other Persons) |
| SUBJECT: Job Related Harassment | | Related Laws: |

POLICY: Verbal, physical, or other harassing conduct directed toward another person based on race, color, national origin, gender, age, religion, disability, gender identity, political affiliation or socio-economic status is specifically forbidden. All employees and volunteers are specifically prohibited from engaging in conduct, either directly or indirectly, that would subject another employee or other person to unwelcome or offensive conduct, including sexual comments, racial comments, or sexual touching in any work-related setting or situation. Harassment includes practical jokes, swearing, gestures; display or circulation of written materials or pictures derogatory towards either gender or towards racial, ethnic, or religious groups; basing personnel decisions on an employee's rejection or response to such harassment. or workplace mobbing behavior.

The Sheriff regards job-related harassment as a serious transgression and believes every employee has not only a legal but also a fundamental right to be free of such harassment. All employees are advised that harassment based on sex, race, national origin, religion, or color is a violation of the Civil Rights Act. Other Federal law prohibits harassment or discrimination based on disability, age, and veteran's status. Pursuant to Lane County's Diversity Policy other forms of harassment and discrimination, in addition to the federally protected classes, are also prohibited. Employees engaging in such work-related prohibited conduct shall be subject to prosecution, civil action, and disciplinary action, up to and including termination of employment. All complaints of job-related harassment will be investigated immediately and handled in a manner that will avoid embarrassment and/or retribution to the complaining party. These investigations will be kept confidential to the greatest extent allowed by law while insuring a thorough and complete investigation is conducted.

RULE (S):

1. Harassing conduct directed toward another person based on race, color, national origin, gender, age, religion, disability, gender identity, political affiliation or socio-economic status is specifically forbidden.

2. Supervisors are specifically prohibited from making any unwelcome sexual advances, making requests for sexual favors, or engaging in any other verbal or physical conduct of a sexual or gender-based nature when:
 - a. Submission to such conduct is either explicitly or implicitly made a condition of individual's employment.
 - b. Submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual.
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment.

PROCEDURE:

I. Harassment Complaints

- A. Employees who experience conduct or comments that they find offensive or harassing shall have a duty and responsibility to immediately report the offensive conduct to a supervisor, manager, or Lane County's Human Resource Manager.
 1. If the immediate supervisor is an involved party, or if the employee fears reprisal or other forms of intimidation, then the reporting party shall report the offensive conduct to any non-involved supervisor of their choosing.
 2. Any supervisor or manager receiving such a complaint or having knowledge that such prohibited conduct is occurring shall take such immediate action as necessary to insure the conduct ceases and the complaint and action taken shall immediately be documented and forwarded directly to the Sheriff/Sheriff's designee.
- B. When an employee in a temporary or permanent supervisory or management position receives a complaint of job-related harassment, they have a duty to take immediate action. The Sheriff, or his designee, shall obtain as many details as possible from the complaining party after receiving the complaint through the chain-of-command.
- C. After consultation with the Sheriff and the supervisor receiving the complaint, the reporting party shall be interviewed to determine if the involved parties need to be separated at the workplace.
 1. Workplace separation will take into consideration the severity of the allegation, possible disruption to the workplace caused by the separation, and the disposition of the victim.

2. As with other allegations of policy violations, suspension with pay pending the completion of an investigation is also an option.
- D. After reviewing the particulars of the complaint with the Sheriff, the Division Commander shall cause an internal investigation to be initiated immediately. G.O. 3.13 (Internal Investigations) shall be the governing procedure for conducting this investigation with the following exceptions:
1. In cases of sexual harassment, the investigation shall be assigned to an investigative team consisting of one male and one female investigator at least one rank higher than the accused party.
 2. Whenever possible, the victim and the accused shall be interviewed at a site away from the workplace.
 3. During the course of the interview with the victim, the investigative team shall determine what the victim considers a desirable resolution of the complaint.
 4. The Sheriff shall be briefed frequently as to the status of the investigation.
- E. When a supervisor receives notice of sustained allegations of sexual harassment for administration of discipline, the victim shall be interviewed prior to preparation of the notice of hearing and proposed discipline, to determine, once again, what is considered to be an acceptable resolution of the complaint.

II. Annual Policy Review

- A. At the time a supervisor meets with a subordinate to review their annual performance evaluation, the supervisor shall also review with the employee the General Order on Job-Related Harassment.
- B. The following statement shall be reviewed annually with non-supervisory employees during their evaluation review and the employees shall sign it.

“As an employee of the Lane County Sheriff’s Office I have read and fully understand General Order 4.06 (Job-Related Harassment) of the Sheriff’s Office Manual. I certify that I have not been a victim of harassment, sexual or otherwise, as outlined in the aforementioned policy, since last signing this acknowledgement, or since my initial employment with the Sheriff’s Office.

I fully understand my obligations under the law, and the policy for Lane County and the Sheriff’s Office, to immediately report any form of sexual or workplace harassment of which I have been the victim.

If I have been a victim of job-related harassment that has not been reported, I am now reporting those incidents and circumstances under separate cover.”

- C. The following statement shall be reviewed annually with supervisory employees during their evaluation review and the employees shall sign it.

“As an employee of the Lane County Sheriff’s Office I have read and fully understand General Order 4.06 (Job-Related Harassment) of the Sheriff’s Office Manual. I certify that I have not been a victim of harassment, sexual or otherwise, as outlined in the aforementioned policy, since last signing this acknowledgement, or since my initial employment with the Sheriff’s Office. I further assert that I have not observed nor been made aware of harassment of others, sexual or otherwise, in the Lane County workplace.

I fully understand my obligations under the law, and the policy for Lane County and the Sheriff’s Office, to immediately report any form of sexual or workplace harassment I have been made aware of or of which I have been the victim.

If I have been a victim of job-related harassment, or am aware of another being a victim of job-related harassment, which has not been reported, I am now reporting those incidents and circumstances under separate cover.”

III. Job-Related Harassment Training

- A. At the time an employee is hired, they shall receive training on job-related harassment as specified by the Sheriff’s Office Training Coordinator. The training shall include, but not be limited to:
1. Current case law on job-related harassment, to include information specific to sexual harassment.
 2. County and Sheriff’s Office policies covering job-related harassment, to include policies specific to sexual harassment.
 3. Procedures for reporting job-related and sexual harassment.
 4. How to recognize behavior that is not appropriate in the workplace.
- B. Any time a supervisor becomes aware that an employee has not been trained in job-related and sexual harassment, the supervisor shall immediately contact the Sheriff’s Office Training Coordinator and arrange for the employee to receive the training.
- C. At any time a Division Commander can direct a work unit, or individual employees in the Sheriff’s Office under their command, to receive training on

job-related and sexual harassment, even though the employee has already received this training.