



HOWARD COUNTY SHERIFF'S OFFICE

# GENERAL ORDER ADM-04 DISCRIMINATION & HARASSMENT

EFFECTIVE DECEMBER 28, 2017

This General Order contains the following numbered sections:

- I. POLICY
- II. DISCRIMINATION
- III. HARASSMENT
- IV. RETALIATION
- V. PROCEDURES FOR COMPLAINTS
- VI. SUPERVISOR RESPONSIBILITIES
- VII. CANCELLATION

## **I. POLICY**

The Howard County Sheriff's Office (HCSO) will not tolerate discrimination or sexual harassment in any form. Discrimination, on all levels and in all aspects of employment, on the basis of sex, age, race, color, national origin, ancestry, religion, marital status, political affiliation, disability, genetic status, sexual orientation or family responsibility, is prohibited by County, State, and Federal laws. Sexual harassment is considered a form of sex discrimination under those same County, State, and Federal laws.

Discrimination and sexual harassment may occur between supervisors and subordinates, as well as between co-workers. Additionally, discrimination and sexual harassment may occur between members of the Sheriff's Office and those citizens with whom they interact.

## **II. DISCRIMINATION**

A. Discrimination is defined as any practice, policy, or procedure that limits or adversely affects the terms and conditions of employment on the basis of:

- 1. Sex;
- 2. Age;
- 3. Race;
- 4. Color;
- 5. National origin;
- 6. Ancestry;
- 7. Religion;
- 8. Marital status;
- 9. Political affiliation;
- 10. Disability;
- 11. Genetic status;
- 12. Sexual orientation; OR
- 13. Family responsibility

B. Discrimination can occur in the following:

- 1. the advertising, recruitment, referrals, testing, and/or hiring for any position;
- 2. the assignment, transfer, promotion, training, apprenticeship, discipline, layoff and recall, and /or termination of any employee; and
- 3. setting of compensation, benefits, and all other terms, conditions, and privileges of employment with the Howard County Sheriff's Office.

**III. HARASSMENT**

- A. Harassment is defined as inappropriate written, verbal, or physical conduct, including the dissemination or display of written or graphic material, based on one's:
  - 1. Sex;
  - 2. Age;
  - 3. Race;
  - 4. Color;
  - 5. National origin;
  - 6. Ancestry;
  - 7. Religion;
  - 8. Marital status;
  - 9. Political affiliation;
  - 10. Disability;
  - 11. Genetic status;
  - 12. Sexual orientation; OR
  - 13. Family responsibility
  
- B. Harassment unreasonably interferes with one's work performance and/or creates an intimidating, hostile, or offensive working environment.
  
- C. Sexual Harassment
  - 1. **Sexual Harassment** is defined as behavior of a sexual nature which is NOT welcome, is personally offensive, debilitates morale, and interferes with the work performance and effectiveness of its victims.
  
  - 2. Unwanted sexual advances, requests for sexual favors, the displaying of pornographic materials which are intended to cause sexual excitement, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
    - a. Submission to such conduct is explicitly or implicitly a condition of employment.
  
    - b. Submission to or rejection of such conduct is used as a basis for employment decisions.
  
    - c. Such behavior has the purpose or effect of "unreasonably" interfering with an individual's performance on the job or creating an intimidating, hostile, or offensive work environment.
  
  - 3. Types of Sexual Harassment
    - a. **Verbal Harassment** consists of derogatory, vulgar, and uncomplimentary comments of a sexual nature.
  
    - b. **Physical Harassment** consists of unwanted touching, hitting, pushing, or other aggressive physical conduct of a sexual and unwanted nature, both explicit and implicit.
  
    - c. **Visual Harassment** consists of the displaying of items, materials, and/or exhibiting unwanted gestures of a sexual nature that most reasonable individuals would find objectionable in a business environment.

**IV. RETALIATION**

- A. Retaliation is a form of sanction, reprisal, or adverse treatment against an individual or groups of individuals for:
  - 1. Having opposed discriminatory practices; OR
  - 2. Having asserted or assisted another person in asserting a discrimination complaint; OR
  - 3. Having participated or assisted in any way in a charge, testified, assisted, or participated in an investigation or proceeding related to a discrimination charge.
- B. Intimidating, coercing, threatening, retaliating, or discriminating against any employee for filing a complaint about harassment as described in this policy is prohibited and disciplinary action may be taken for such acts.
- C. Any form of retaliation is **PROHIBITED**.

**V. PROCEDURES FOR COMPLAINTS**

Employees may exercise any of these options:

- A. Employees are encouraged to directly and promptly notify the harasser or offender that his/her behavior is unwelcome. If for any reason the employee does not wish to approach the harasser or offender directly, or if such action does not successfully end the harassment, the employee should pursue another reporting option listed below.  
  
**\*This action is encouraged though not required.**
- B. Employees who believe they have been harassed or discriminated against should promptly notify their immediate supervisor, the Sheriff, or other supervisory member of the Howard County Sheriff's Office.
- C. In the event the offending party is within the employee's Chain of Command, the employee may report the conduct to any higher-ranking member of the Sheriff's Office or the Sheriff him/herself.
- D. Any complaints received by supervisory members of the Sheriff's Office shall report the complaints through the Chain of Command for handling, in accordance with Section V.E. Any complaint received by non-supervisory members of the Sheriff's Office are encouraged to report, or alternatively encourage the complainant to report the complaints through the Chain of Command for handling, in accordance with Section V.E. and Section VI.D.
- E. All complaints will be handled in accordance with the established procedures set forth in *General Order ADM-09, Internal Investigations*. In all cases involving charges of sexual harassment, all parties involved will be given the utmost protection of privacy.
- F. If any complaint against a supervisor or co-worker is determined to be valid, appropriate disciplinary action will be taken. Disciplinary action may include, but is not limited to, the following:
  - 1. Counseling
  - 2. Written Reprimands
  - 3. Demotion
  - 4. Suspension
  - 5. Discharge

**VI. SUPERVISOR RESPONSIBILITIES**

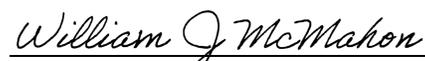
- A. All supervisors are held accountable for the effective enforcement of this policy.

- B. Supervisors shall ensure that each employee is free from contact that causes, or could reasonably be considered to cause, an intimidating or offensive working environment.
- C. Supervisors shall conduct prompt and candid inquiries into any instance of alleged discrimination or harassment that comes to their attention.
- D. All information regarding such allegations shall be documented by the Supervisor and shall be immediately forwarded to the Chief Deputy.
- E. This General Order will be reviewed with all newly hired employees during their orientation and with all employees each calendar year by their immediate supervisor.

**VII. CANCELLATION**

This General Order cancels and replaces *General Order ADM-04, Discrimination & Harassment*, dated June 9, 2010.

Authority:

  
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William J. McMahon  
Sheriff