



PAWNEE COUNTY SHERIFF'S OFFICE
SHERIFF DARRIN VARNELL

Policy # Sexual Harassment, Sexual Discrimination	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by The Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Oklahoma Statutes:	
CALEA Standard: 26.1.3	
Note: This policy is to be read in conjunction with the applicable County Policy covering sexual harassment/discrimination.	

- I. **Purpose:** The purpose of this policy is to prohibit sexual harassment and discrimination within The Pawnee County Sheriff's Office. The policy also provides for the reporting and agency response to sexual harassment or discrimination.
- II. **Policy:** The Pawnee County Sheriff's Office is committed to providing equal opportunity to all applicants for employment and to all employees. Recruitment, hiring, assignment, promotion, compensation, training, discipline, termination, and all other terms, privileges, and conditions of employment shall be administered in a manner that does not discriminate on the basis of race, color, religion, ancestry, sex, gender identity, age, disability, national origin, sexual orientation, familial status, or marital status. The Pawnee County Sheriff's Office will take action to prevent and correct discriminatory behavior in violation of these policies. Members who engage in prohibited conduct are subject to disciplinary action up to and including termination of employment. It is the policy of The Pawnee County Sheriff's Office to prohibit sexual harassment or sexual discrimination in any form and to provide employees with a mechanism for reporting and resolving allegations of sexual harassment and discrimination.
- III. **Definitions:**
 - A. **Discrimination:** Discrimination is defined as making, directly or indirectly, any distinction in applicant selection procedures, or in the terms, conditions or privileges of employment on the basis of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status. No employee shall discriminate against any applicant for employment or employee in any

term, privilege, or condition of employment on the basis of protected status. Moreover, discrimination or harassment will not be tolerated from any nonemployee including, but not limited to, vendors, contractors, or applicants for employment. Note however, that all persons hired for employment shall demonstrate their eligibility for employment in the compliance with the hiring policy of The Pawnee County Sheriff's Office.

- B. Sexual Harassment:** Every employee has the right to work in an environment free from hostile, offensive or intimidating sexual behavior. Sexual harassment is any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: submission to such conduct is made, either explicitly or implicitly, a term or condition of a member's employment; or, submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such member; or, such conduct has the purpose or effect of interfering with a member's work performance, or creating a hostile, intimidating, or offensive working environment.
- C. Quid Pro Quo Harassment:** A circumstance by which an employee is afforded a favorable employment action in exchange for a sexual favor, or an unfavorable employment action for refusal of the sexual favor.
- D. Hostile Work Environment:** A circumstance by which an employee is confronted with an environment involving sexually explicit language, photos, or conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
- E. EEO Deputy:** Equal Employment Opportunity Deputy: A member of The Pawnee County Sheriff's Office who is knowledgeable about sexual harassment and discrimination in the workplace, who is designated by the Sheriff to receive complaints and has a working relationship with the Human Resources personnel of The Pawnee County Sheriff's Office and County.

IV. Procedures

- A. Employees with Disabilities:** The Pawnee County Sheriff's Office is committed to making reasonable accommodations for qualified applicants and employees with disabilities in accordance with state and federal law, and agency policies. Each situation will be handled on a case by case basis. Employees shall contact the Human Resources Section to request information on reasonable accommodation.
- B. Confidentiality:** To the extent permitted by law or policy, the identity as well as all oral or written contacts between the Human Resources Section, the Office of Internal Affairs and any employee or applicant for employment concerning this policy and/or its application will be treated as confidential.
- C. Sheriff:** Ultimate responsibility for implementation of these policies is vested in the Sheriff. The Sheriff shall ensure that all Equal Employment Opportunity (EEO) policies, and all prohibitions against discrimination, are aggressively implemented throughout The Pawnee County Sheriff's Office by all levels of management.
- D. City Human Resources Agency:** is responsible for monitoring EEO programs and ensuring agency compliance with all relevant federal and state laws, City ordinances, and agency policies and rules in hiring and other personnel practices. Human Resources will report to the Chief, on EEO matters and participating in the development and implementation of training and educational programs for supervisors.

E. Management Employees:

- a.** Management employees are required to ensure that personnel practices within their organizational entities are in full compliance with all federal and state laws, City ordinances, and agency policies governing non-discrimination.
- b.** Specifically, Management employees are to ensure that all their employees who supervise, promote, assign, recruit, interview, train, evaluate, or discipline other employees utilize only job-related standards in their personnel actions and contribute to the attainment of agency EEO principles.
- c.** When made aware of a potential or current EEO problem or complaint, Management employees shall:
 - i.** Take immediate corrective action when necessary.
 - ii.** Notify EEO Deputy and the Chain of Command to determine whether an investigation is necessary.
 - iii.** Cooperate with EEO Deputy / Internal Affairs and any other agency in any investigation and/or resolution of the problem or complaint.
 - iv.** Management employees have all the responsibilities covered in the Supervisors responsibilities below.
 - v.** In addition, Management employees are to personally monitor and evaluate the personnel actions of subordinate supervisors to ensure compliance with EEO laws. Management Employees are required to take immediate corrective action to prevent discriminatory behavior from continuing or recurring. Failure to take prompt appropriate action may subject the Management Employee to disciplinary action.

F. Supervisors:

- a.** Regardless of whether the employee involved is in the supervisor's chain of command and regardless of how s/he became aware of the alleged prohibited conduct/behavior(s), all supervisors must immediately report all allegations or complaints or observations of such conduct to the designated EEO Deputy or Sheriff. Supervisors shall be responsible for encouraging employee support for equal employment opportunity by demonstrating commitment to EEO in the following ways:
 - i.** Becoming thoroughly familiar with The Pawnee County Sheriff's Office prohibitions against harassment and discrimination, and acquainting subordinate personnel with these guidelines.
 - ii.** Promoting a positive attitude when discussing these policies with other staff.
 - iii.** Requiring all subordinate personnel to demonstrate respect for the diversity of their coworkers and members of the community.
 - iv.** Taking immediate corrective action when any violations of EEO law are observed or reported.
 - v.** Supervisors shall notify their chain of command in writing of all potential or current EEO violations, so that immediate action can be taken to remedy the situation. The information reported must include:

- The person(s) involved, including all witnesses;
 - A written record of specific conversations held with the accused and any witnesses; and
 - All pertinent facts, including date(s), time(s), and location(s).
- vi. Ensuring compliance of subordinate personnel with all EEO laws and regulations.
- vii. Supervisors are required to take immediate corrective action to prevent harassment and discriminatory behavior from continuing or recurring. Failure to take prompt appropriate action may subject the supervisor to disciplinary action.

G. All Employees:

- a. Every employee of The Pawnee County Sheriff's Office, including unpaid volunteers, is responsible for creating and maintaining a professional working environment free from harassment and discrimination. Employees shall:
- i. Demonstrate sensitivity to and respect for differences of all employees.
 - ii. Comply with all equal employment laws, City policy and specific policies of The Pawnee County Sheriff's Office.
 - iii. Confront disrespectful or discriminatory behavior when they see it.
 - iv. Immediately notify their chains of command of any EEO violations that they experience or observe.
- b. Employees who believe they personally are being or have been subjected to prohibited conduct/behavior(s) and/or are the target of any form of prohibited conduct/behavior(s), or have witnessed any other employee being subjected to these behaviors, should immediately:
- i. Identify the offensive behavior to the alleged harasser and request that the behavior cease. Note: An employee is NOT required to talk directly to the alleged harasser or to the employee's supervisor. It is critical, however, that the employee contact one of the individuals listed in below if s/he believes s/he is being targeted or has witnessed what the employee believes to be prohibited conduct/behavior(s) directed to or committed by another employee(s), client(s), customer(s), vendor(s), volunteer(s), contractor(s), etc.
- c. **Reporting:** If the employee feels uncomfortable in speaking directly to the alleged harasser or if the employee requested the prohibited conduct/behavior(s) to cease, but the request did not produce the results desired, the employee should report the conduct/behavior(s) as soon as possible to:
- i. any supervisor or,
 - ii. management employee or,
 - iii. The Pawnee County Sheriff's Office's designated EEO Deputy.
- d. **Secondary EEO Deputy:** Where feasible The Pawnee County Sheriff's Office should identify a secondary EEO deputy for those employees who may feel uncomfortable or reluctant reporting to the primary EEO Deputy.

- e. **The EEO Deputy for The Pawnee County Sheriff's Office shall be the Undersheriff.**
 - f. Employees who believe the EEO Deputy has engaged in prohibited conduct/behavior(s) should bring such concerns to the attention of the alternate EEO Deputy or the Sheriff. An employee who witnesses or obtains information regarding prohibited conduct/behavior(s) by his/her immediate supervisor is required to report the incident to the EEO Deputy or the Sheriff.
 - g. All employees are required to fully cooperate in any investigation of an EEO violation.
- H. Prohibited Conduct:** The following is conduct that is specifically prohibited under The Pawnee County Sheriff's Office EEO policies. This list is in addition to other prohibitions already covered in agency and includes, but is not limited to, conduct for which disciplinary action may be taken.
- a. **Workplace Bias:** Expressing bias in the workplace, including any behavior that is potentially offensive to any employee on the basis of his or her protected status is prohibited. Examples include, but are not limited to:
 - i. Using degrading words, offensive slang labels or names, or profanity describing a person's protected status.
 - ii. Sexually suggestive, obscene or lewd jokes; jokes or any comment about a person's protected status.
 - iii. Posting or display of inappropriate posters or jokes in the workplace.
 - b. **Sexual Harassment in the Workplace:** Examples of conduct that may be deemed sexual harassment and is prohibited in the workplace include, but are not limited to:
 - i. Sexually suggestive, obscene, or lewd comments or invitation.
 - ii. Gender related labels such as "honey," "sweetie," "cutie," "boy," and "girl."
 - iii. Asking for sexual favors and implying there will be economic or employment benefits.
 - iv. Leering, ogling, or drawing attention to a person's body.
 - v. Unwanted sexual advances.
 - vi. Sexual Assault – Attempted Sexual Assault
 - vii. Introduction into the workplace of pornographic pictures or written material, except in the course of official police investigations.
 - viii. Offensive verbal communication including slurs, jokes, epithets, derogatory comments, degrading or suggestive words or comments, unwanted sexual advances, invitations, or sexually degrading or suggestive words or comments.
 - ix. Offensive written communication including notes, letters, notices, emails, texts, or any other offensive message sent by electronic means.
 - x. Offensive gestures, expressions and graphics including leering, obscene hand or finger gestures, sexually explicit drawings, derogatory poster,

photographs, cartoons, drawings or displaying sexually suggestive objects or pictures.

- xi. Physical contact when the action is unwelcomed by recipient including brushing up against someone in an offensive manner, unwanted touching, impeding or blocking normal movement, or interfering with work or movement.
- xii. Expectation, requests, demands or pressure for sexual favors.

c. Retaliation Prohibited: Retaliation is an adverse employment action taken against an employee as a result of opposing an unlawful discriminatory practice, or filing a charge of discrimination, testifying, assisting, or participating in any manner in an equal opportunity investigation, proceeding, or hearing.

- i. Retaliation is prohibited conduct, and, if engaged in, may result in disciplinary action, up to and including termination of employment.

I. Discrimination - Harassment Complaint Procedure:

- a. Employees who believe they have been treated unfairly in any employment practice because of their race, color, religion, ancestry, sex, gender identity, age, disability, national origin, sexual orientation, familial or marital status may file a complaint with a supervisor or the EEO Deputy.
- b. Employees who believe they have been retaliated against because they filed an EEO complaint, challenged a discriminatory behavior, participated in any way with these procedures, or served as a witness may file a complaint.

J. Receiving a Complaint Procedures: The Pawnee County Sheriff's Office shall promptly receive and investigate all complaints regarding harassment or discrimination regardless of their origin.

- a. A supervisor or EEO Deputy upon being notified of a complaint shall schedule to meet with the complainant the same day. If that is not possible the supervisor or EEO Deputy will make themselves available to the complainant within the next 24 hours.
- b. Tell the employee that a sexual harassment-discrimination policy exists and give him or her a copy of the policy and answer questions about the policy and process.
- c. Determine if there is a threat to the employees' safety.
- d. Forward the written complaint up the chain of command.

K. Separation: Once an allegation is made steps should be taken to separate the involved employees while an investigation into the allegations is conducted. The separation should be undertaken in an equitable manner which is non-punitive in nature. In no case will the complaining employee be forced to change assignments against his/her choice. The supervisor is required to immediately stop any conduct which might continue or aggravate the allegation(s).

L. The alleged victim of the sexual harassment shall be kept informed of the progress of the investigation.

- M.** At the conclusion of the investigation, the alleged victim and the accused employee should be informed of the conclusions reached by the investigation.
- N.** Where evidence is established to sustain a violation of this policy, immediate disciplinary action shall be taken against the offending employee, up to and including termination from employment with The Pawnee County Sheriff's Office.
- O.** No employee shall be retaliated against for reporting allegations of sexual harassment or discrimination.
- P. Confidentiality Required:** All matters pertaining to EEO issues are highly confidential. All participants in a report or investigation are strictly prohibited from discussing the matter outside of formal channels. Information concerning such issues will be disseminated on a need-to-know basis only. Such confidentiality, however, in no way diminishes the necessity of keeping the Sheriff informed.
- Q. Withdrawal of Complaints:** Members filing EEO complaints may withdraw the complaint or any part thereof, at any time. Despite the withdrawal request, however, The Pawnee County Sheriff's Office still has an obligation to investigate the allegation. The Pawnee County Sheriff's Office shall become the complainant.