



# Chapter 9 - COMPENSATION, BENEFITS and WORKING CONDITIONS

## Section 25 - HARASSMENT

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### HARASSMENT

#### A. PURPOSE:

To establish a working policy in an attempt to ensure that no employee, applicant for employment, reserve or direct associate of the Bienville Parish Sheriff's Office is subjected to or responsible for harassment to or by any other member or to any member of the general public based upon race, color, creed, sex, disability, age, national origin, sexual preference, marital status, public assistance status, religion or any other reason.

The Bienville Parish Sheriff's Office is committed to vigorously enforcing its harassment policies at all levels. The policy is applicable to all appointed, commissioned and non-commissioned personnel (both full and part time).

#### B. OBJECTIVES:

1. To establish and clearly define the Bienville Parish Sheriff's Office policy regarding harassment and its applicability.
2. To identify behavior that constitutes harassment.
3. To establish the procedures whereby complaints of harassment are reported and resolved.
4. To establish the procedures whereby retaliatory acts, as a result of harassment complaints, are reported and resolved.

All Bienville Parish Sheriff's Office employees have the responsibility for maintaining high standards of honesty, impartiality, and conduct. This is required in order to ensure the proper performance of Office business and also to maintain the confidence of the public. Harassment increases hostilities, creates an offensive

working environment, adversely affects productive working relationships, increases costs to the Office and the citizens it serves, obstructs the Office's vision of diversity and quality, and tarnishes the public service image of the Office.

#### **C. POLICY: HARASSMENT (GENERAL)**

The Bienville Parish Sheriff's Office hereby establishes that harassment is an unacceptable conduct in the workplace and will not be condoned at any time when an employee is acting in the normal course and scope of his/her duties, either in uniform or in plain clothes. This also applies to off-duty personnel while acting in a representative capacity for the Bienville Parish Sheriff's Office at any public place or forum. This policy is equally applicable to harassment between co-workers, between employees and non-employees, and/or those served by such.

#### **D. POLICY: SEXUAL HARASSMENT**

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of race, color, sex, age, or national origin. Sexual harassment is included among the prohibitions.

The Bienville Parish Sheriff's Office hereby establishes that sexual harassment is an unacceptable conduct in the workplace and will not be condoned at anytime when an employee is acting in the normal course and scope of his/her duties, either in uniform or in plain clothes. This also applies to off-duty personnel while acting in a representative capacity for the Bienville Parish Sheriff's Office or while present at any public place or forum. This policy is equally applicable to harassment between co-workers, between employees and non-employees, and/or those served by such.

It is important to remember that "offensive environment" sexual harassment is behavior that is "perceived as offensive" by the complaining individual.

The Bienville Parish Sheriff's Office considers the following conduct to represent some of the types of acts which constitute sexual harassment. This list shall not be construed as an all inclusive list of prohibited acts:

1. Physical assaults of a sexual nature, such as:
  - a. Rape, sexual battery, molestation, or attempts to commit these assaults; or
  - b. Intentional physical conduct which is sexual in nature, such as grabbing another member or employee's body.
  
2. Unwanted sexual advances, propositions, or other sexual comments such as:
  - a. Sexually oriented remarks or jokes about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated that such conduct in his or her presence is unwelcome;

**b. Preferential treatment or promise of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward;**

**c. Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.**

**3. Sexual or discriminatory displays of publications in the work place, such as:**

**a. Displaying pictures, posters, calendars, or other materials that are sexually suggestive or pornographic;**

**b. Displaying signs or other materials purporting to segregate an employee by sex in any area of the work place, other than rest rooms and similar semi-private lockers/changing rooms.**

**4. Any of the following acts:**

**a. whistling or catcalling**

**b. touching, pinching, patting, grabbing, hugging, squeezing, groping, fondling**

**c. vulgar or obscene jokes**

**d. crude or vulgar language**

**e. commenting on the clothing of an individual in a sexual way**

**f. referring to someone in demeaning terms, such as "honey", "hunk", "sweetie", "babe", "darling", etc.**

**g. repeatedly asking someone for a date after being turned down**

## **E. POLICY: RETALIATION**

**It is unlawful to retaliate or take reprisal in any way against anyone who has articulated any concern about general harassment, sexual harassment, or discrimination, whether that concern relates to harassment of or discrimination against the individual raising the concern or against another individual.**

**The Bienville Parish Sheriff's Office hereby establishes that retaliation or reprisal in any form against any individual who has raised concern, filed a complaint or been a witness to harassment is strictly prohibited. This policy is equally applicable to harassment between co-workers, between employees and non-employees, and/or those served by such.**

## **F. DEFINITIONS:**

As applies to this policy, the following are defined:

- 1. Harassment-Includes verbal or physical conduct that demeans, degrades, or shows hostility toward an individual and/or creates an intimidating, hostile or offensive work environment.**
- 2. Sexual Harassment-Unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual nature constitute sexual harassment when:**
  - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or**
  - b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or**
  - c. Such conduct is unwelcome or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.**
- 3. Sexual Favoritism-The granting or withholding of employment opportunities and benefits including, but not limited to, job assignments or promotions, constitutes sexual harassment against other persons who were qualified for but denied that employment opportunity or benefit or were subjected to unequal discipline, based on their sex.**
- 4. Retaliation-Arbitrary discipline, unwarranted change of work assignments, providing inaccurate work information or failing to cooperate or discuss work-related matters with any employee because that employee has complained about, been a witness to or resisted harassment, discrimination or retaliation; intentionally pressuring, falsely denying, lying about or attempting to cover up conduct such as that described in this policy.**

## **G. PROCEDURES FOR REPORTING HARASSMENT, SEXUAL HARASSMENT OR RETALIATION:**

- 1. Reporting Complaints-Complaints of acts of harassment, sexual harassment or retaliation that are in violation of this policy will be accepted in writing or orally and will be investigated thoroughly and completely. Anonymous complaints will be given the same consideration as those made personally. A complaint need not be limited to someone who was the target of harassment or retaliation. Anyone who has suffered or observed harassment, sexual harassment or retaliation should report it to the Chief Deputy, the Sheriff or his designee. In the event that a female employee would prefer to report a concern about sexual discrimination or harassment to another female, such concerns may be reported to any female**

supervisory officer of the Bienville Parish Sheriff's Office.

2. Any employee desiring to report an incident of harassment, sexual harassment or retaliation should report the incident within two (2) working days of the occurrence. As indicated above, the complaint may be presented by the complainant in written or verbal form to the Chief Deputy, the Sheriff or his designee. In each case the complaint shall be recorded in writing by the Chief Deputy, the Sheriff or his designee and shall be signed by the complainant. The complaint must include the following information:

- a. Complainant's name, position, and division.
- b. Accused's name, position, and division.
- c. A description of the incident(s), including dates and times of occurrence(s) and the names of any witnesses.

3. Only those who have an immediate need to know, including the person to whom a report was made, the alleged target of harassment or retaliation, the alleged harasser or retaliator and any witness may obtain the identity of the complainant. All parties contacted in the course of an investigation will be advised that all persons involved in a charge are entitled to respect and that any retaliation or reprisal against an individual who is an alleged target of harassment or retaliation, who has made a complaint or who has provided evidence in connection with a complaint is a separate actionable offense and subject to discipline under this policy.

#### **H. FORMAL INQUIRY, INVESTIGATION AND DISPOSITION OF COMPLAINTS:**

In each case of a complaint of harassment, sexual harassment or retaliation, the Chief Deputy, the Sheriff or his designee will conduct a formal inquiry. All parties involved in an incident, including any witnesses, will be interviewed individually. Written or oral statements will be obtained from each party and all findings will be thoroughly documented. Upon completion of the inquiry, all information will be presented to the Sheriff for review.

If a determination of misconduct in a harassment complaint is made, the Sheriff will be the final authority in determining the appropriate disciplinary action. This may include verbal or written reprimand, suspension or termination of employment, depending on the nature and severity of the misconduct and the record of the employee.

A written record of each action taken pursuant to this policy will be placed in the offending employee's personnel file. The record will reflect the conduct, or alleged conduct, and the warning given or other discipline imposed.

Disciplinary action, up to and including termination of employment, can be taken against any individual filing a false or non-bona fide complaint.

## **I. COOPERATION AND PREVENTION:**

### **1. Cooperation:**

**An effective harassment policy requires the support and example of all personnel, especially those who are in positions of authority. Any Sheriff's Office agent or employee who engages in harassment, sexual harassment or retaliation or who fails to cooperate with a Sheriff's Office inquiry or investigation of same is subject to disciplinary action as described above. Employees who refuse to implement corrective measures, who obstruct or interfere with corrective measures or who retaliate against those attempting to implement such measures are also subject to said disciplinary action.**

### **2. Prevention:**

**Prevention will be promoted through training and education with all Bienville Parish Sheriff's Office employees having the responsibility and obligation to take appropriate action to prevent harassment, sexual harassment or retaliation from occurring or continuing in the work place.**