

YORK-POQUOSON SHERIFF'S OFFICE	RULES AND REGULATIONS
SUBJECT: Discrimination and Sexual Harassment	NUMBER: RR 1-8
EFFECTIVE DATE: May 30, 2019	REVIEW DATE: May 3, 2019
AMENDS/SUPERSEDES: RR 1-8, March 1, 2003	APPROVED:  Sheriff
VLEPSC: PER.02.01, PER.02.02, PER.02.03	

1 **INDEX WORDS**

2
3 Discrimination
4 Hostile work environment
5 Quid pro quo harassment
6 Sexual harassment
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8 **POLICY**

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10 The Sheriff is committed to ensuring that all employees shall be treated with respect and courtesy.
11 Abusing the dignity of others through derogatory or objectionable conduct will not be tolerated and
12 is cause for disciplinary action. The Sheriff does not tolerate sexual or other types of harassment or
13 discrimination of employees, and will promptly initiate an investigation whenever a complaint is
14 brought to his attention. Any employee who perceives the conduct of co-workers, supervisors,
15 visitors, contractors, volunteers, customers and others entering the workplace to be harassing are
16 expected to immediately inform the individual(s) that the conduct is unwelcomed and make a report
17 through the complaint procedure outlined in this section.
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19 **PURPOSE**

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21 The purpose of this directive is to define discrimination and sexual harassment, to outline
22 prohibited behavior, and describe reporting procedures.
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24 **DEFINITIONS**

- 25
26 • Discrimination
27 ○ Discrimination is defined as the unjust or prejudicial treatment of different categories of
28 people.
29 ■ The Civil Rights Act of 1964 prohibits discrimination based on the following:
30 ❖ A persons color,
31 ❖ Race,
32 ❖ Religion,
33 ❖ Age,
34 ❖ National origin, and
35 ❖ Sex.
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- The Sheriff is committed to providing a professional, businesslike work environment free from all forms of employee discrimination.
 - Sexual harassment
 - Sexual harassment is an infringement of an employee's right to work in an environment free from sexual pressure of any kind.
 - The determining factor as to whether or not an action or remark is offensive is if the recipient deems it to be so and if a reasonable person in similar circumstances would find it offensive.
 - Sexual harassment may consist of:
 - ❖ Unwanted advances,
 - ❖ Requests for sexual favors, either verbal or nonverbal
 - ❖ Physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of employment;
 - ❖ Using the submission to or rejection of, such conduct as the basis for decisions affecting the individual;
 - ❖ Conduct which has the purpose or effect of unreasonably interfering with the individual's work, performance, or full participation in the benefits of employment, or
 - ❖ Creates an intimidating, hostile, or offensive environment for work.
 - Sexual harassment may take many forms and includes:
 - ❖ Physical assault,
 - ❖ Subtle or overt pressure for sexual favors,
 - ❖ Inappropriate display of sexually suggestive objects or pictures,
 - ❖ A pattern of unwelcomed or unwanted conduct that would be offensive to a reasonable person including:
 - Requesting Sexual Favors,
 - Unnecessary or unwanted touching,
 - Using sexually abusive language or gestures, including but not limited to:
 - ✓ Remarks about a person's clothing,
 - ✓ Body, or body movements, or
 - ✓ Sexual activities,
 - ✓ Simulating sexual acts.
 - Inappropriately touching oneself,
 - Exposing oneself,
 - Teasing and joking of a sexual nature.
 - Offering an employee sexually explicit magazines or other material,
 - Following an employee during work or off duty hours.
 - Two forms of sexual harassment, defined below, which may overlap and apply are:
 - ❖ Quid Pro Quo harassment, and
 - ❖ Hostile work environment harassment.

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- Quid Pro Quo Harassment
 - Quid pro quo means, "Something for something."
 - ❖ This form of harassment occurs when an employee is being pressured to engage in sexual conduct or else lose a tangible job benefit.
 - ❖ This form of harassment usually occurs between a supervisor and a subordinate where the harasser has power to control the employee's work benefits or conditions.
 - This form of harassment is not limited to express demands for sexual favors, but may be implied by circumstances such as:
 - ✓ Comments to other co-workers,
 - ✓ Suggestions that the subordinate initiate the sexual conduct, or
 - ✓ In cases where a relationship was mutually consensual, but the complainant wishes to end the relationship.
 - ❖ Examples of this form of harassment include:
 - A request for sexual favors, accompanied by implied or overt threats concerning a person's employment status,
 - Promise of preferential treatment in terms of benefits or status;
 - Granting job favors or assignments to those who participate in consensual sexual activity;
 - Penalizing those who refuse to participate in consensual sexual activity; - Hostile Work Environment Harassment
 - This form of harassment is unwelcome conduct that is, so severe or pervasive as to change the conditions of the victim's employment, thus creating an intimidating, hostile, or offensive work environment.
 - A hostile environment exists when the employer tolerates unwelcome, pervasive conduct including:
 - ❖ Sexual comments of a provocative or suggestive nature;
 - ❖ Jokes or innuendos intended for and directed to another employee;
 - ❖ Leaving sexually explicit or inappropriate books, magazines, photographs where employees will find them;
 - ❖ Unwelcome demeaning comments such as:
 - Talking about physical attributes,
 - Ridicule,
 - Offensive language,
 - Propositions or other similar actions;
 - Unwanted or unwarranted, unsolicited off-duty telephone calls and contact;
 - Signed or anonymous notes or drawings placed on or in desks, bulletin boards, or in lockers;
 - Deliberately singling out an employee in front of other co-workers and subjecting them to demeaning or derogatory remarks.

126 **PROHIBITED CONDUCT**

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- Relationships Amongst Employees
 - The Sheriff’s Office discourages romantic relationships between supervisors and subordinates.
 - The Sheriff may, at his sole discretion, transfer or reassign one or both participants based on operational considerations.

- Responsibilities
 - Supervisors shall ensure that degrading, pornographic or suggestive photographs, illustrations, or cartoons are not be posted or kept in any work area.
 - Materials of this kind used for investigative purposes shall be properly secured according to evidentiary standards.

 - Supervisors shall order employees on-duty and/or on County premises who are making racial, ethnic, sexual, or other discriminatory hostile comments, put-downs, or degrading remarks about other persons to cease or face disciplinary action.
 - Employees shall avoid physical contact with one another unless required by a training situation or police procedure.
 - Kissing, back rubbing, embracing, and other unnecessary touching are prohibited while on duty.

 - Personnel shall not retaliate against any person for reporting sexual harassment, giving testimony, or participating in the investigation.
 - Retaliation in any form shall result in disciplinary action up to an including termination.

ENFORCEMENT

- Enforcement of this policy is the responsibility of all employees.
 - The Sheriff, command staff, and supervisors will advise all employees that County Sheriff’s Office policy prohibits all types of discrimination and harassment, and that complaints of such discrimination and/or harassment shall be brought to the attention of an appropriate supervisor.
 - The Sheriff, command staff, and supervisors will advise all employees of this policy and the means by which complaints can be filed and resolved.
 - The Sheriff and the command staff shall brief all supervisors on the problems of discrimination and/or harassment and their duty to take timely corrective action when they believe that such problems exist.
 - The Chief Deputy is responsible for investigating complaints of discrimination and harassment.

 - Employees shall report any known or suspected violations of this policy.
 - Any Sheriff’s Office employee who becomes aware of a discrimination or harassment issue and fails to report the same to a supervisor may themselves be subject to disciplinary action.

- 172 ▪ Impeding an investigation or otherwise covering up a violation is prohibited
173 conduct.
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175 ○ Employees bringing complaints or identifying potential violations, or witnesses
176 interviewed during the investigation shall be protected from retaliatory acts.
177 ○ If a violation of this policy by a Sheriff's Office employee is found to have occurred,
178 remedial action may be imposed and disciplinary action shall be imposed on the
179 offending employee(s).
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181 **COMPLAINT PROCEDURES**

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- 183 • Employee Responsibilities
184 ○ Employees shall initiate a complaint on any matter that is believed to be in violation of
185 this policy.
186 ▪ Employees may report a violation or bring a complaint in person, by phone, or in
187 writing.
188 ▪ Employees may complain to their immediate supervisor, or in the event the
189 immediate supervisor is the source of the complaint, to the next supervisor in the
190 organizational chain of command.
191 ❖ If the harasser is the victim's immediate supervisor, or holds a prominent
192 position in the Sheriff's Office, the victim may go outside the chain-of-
193 command to make the report.
194 ➤ In this case, the Sheriff may be directly notified of the complaint.
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196 ○ If the complaint is brought anonymously, the Sheriff shall have the matter investigated
197 but may be limited in his ability to investigate the matter fully.
198 ○ The Sheriff reserves the right to have the matter investigated by persons external to the
199 Sheriff's Office.
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201 • Supervisors Responsibilities
202 ○ Supervisors receiving harassment complaints shall immediately forward the complaint
203 to Chief Deputy through their organizational chain of command.
204 ▪ If the harasser is the supervisor's immediate supervisor, or holds a prominent
205 position in the Sheriff's Office, the supervisor may go outside the chain-of-
206 command to forward the report.
207 ▪ If the offender is the Chief Deputy the report shall be made to the Sheriff.
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209 • Retaliation prohibited
210 ○ Retaliation against any employee for reporting harassment is illegal and is contrary to
211 this policy.
212 ○ Retaliation embraces more than just economic harm; it includes words and actions that
213 are intimidating or hostile.
214 ○ Those who are found to be acting in a retaliatory fashion shall be disciplined for such
215 conduct.
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217 **INVESTIGATIONS, AND CONFIDENTIALITY OF INFORMATION**

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- 219 • Investigations
 - 220 ○ Complaints shall be investigated promptly.
 - 221 ○ The Chief Deputy shall be responsible for the investigation of all harassment complaints
 - 222 against Sheriff's Office employees.
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 - 224 • Confidentiality
 - 225 ○ Although absolute confidentiality cannot be legally guaranteed, to the extent possible,
 - 226 the complaint and information from witnesses shall be kept confidential and the
 - 227 complainant and witnesses shall be protected from retaliatory action by a harasser.
 - 228 ○ All employees are charged with maintaining confidentiality of information.
 - 229 ▪ If the complainant has not already confronted the accused, and name of the
 - 230 complainant must be revealed to the accused.
 - 231 ❖ The complainant shall be informed prior to that communication.
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 - 233 ○ State and Federal law may require disclosure of information in certain circumstances.
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 - 235 • Rights of the accused
 - 236 ○ An employee accused of violating this policy will be fully informed of the allegations
 - 237 and will be able to offer to management an explanation or defense to the charges prior
 - 238 to any report being prepared.
 - 239 ▪ If a violation should be found to have occurred, the accused employee will be
 - 240 provided an opportunity to respond to the charges prior to the imposition of
 - 241 remedial and/or disciplinary action.
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243 **DISCIPLINARY, REMEDIAL AND INTERIM ACTIONS**

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- 245 • Disciplinary Actions
 - 246 ○ Appropriate disciplinary action shall be taken against those who violate this policy.
 - 247 ▪ Such discipline shall be consistent with the [RR 1-7, Employee/Appointee Discipline](#)
 - 248 and may include actions up to and including termination.
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 - 250 • Remedial Actions
 - 251 ○ Remedial actions may also be imposed and include but are not limited to:
 - 252 ▪ Participation in further appropriate training, or
 - 253 ▪ Requirement to attend appropriate counseling.
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 - 255 • Interim Actions
 - 256 ○ Interim actions may be taken when there is a reasonable belief that the employee
 - 257 involved in the complaint or morale may be adversely affected by the offending
 - 258 employee remaining in their current position.
 - 259 ○ Interim actions may include, but are not limited to:
 - 260 ▪ Internal transfers to another position or division, or

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- The placement of the accused on leave until such time as the investigation is concluded.
 - ❖ The complainant shall not be reassigned or placed on leave unless:
 - The complainant request reassignment or leave.