



Michelle LaJoye-Young  
SHERIFF

## Kent County Sheriff's Office Policy and Procedure

Subject: <b>Unlawful Workplace Harassment and Discrimination</b>	General Order: 1 . 5 . 5
Effective Date: 03/17/2023 Revision Date:	Distribution: All Personnel

### I. PURPOSE

This department is committed to non-discriminatory employment practices and maintaining a professional working environment where all employees and applicants are treated with respect and dignity. This policy outlines the procedure for reporting, investigating, and resolving reports of harassment and discrimination within the workplace.

### II. POLICY

It is the policy of the Kent County Sheriff's Office (KCSO) that all employees have the right to work in a hostile-free environment, absent all forms of discrimination and harassment.

KCSO will not tolerate, condone, or allow discrimination or harassment by any employee, volunteer, or other non-employees who conduct business with this agency.

Unlawful discrimination or harassment, including sexual harassment, against any employee or applicant based on characteristics from a protected class will not be allowed or tolerated.

The KCSO considers harassment and discrimination of others a form of serious employee misconduct and shall take direct and immediate action to prevent such behavior and to remedy all reported incidents.

All reports of harassment or discrimination, or failure of any employee to carry out their responsibilities listed in this directive will be investigated and can lead to disciplinary action up to and including termination.

This policy does not limit any employees' protections under any established laws and

works in conjunction with any applicable policies and procedures established by the Kent County Human Resources.

### III. DEFINITIONS

- A. ***Protected Classes:*** A group of people with a common characteristic who are legally protected from employment discrimination on the basis of that characteristic. Examples include but are not limited to: race, color, sex, religion, national origin, age, handicap, height, weight, arrest record, veteran, marital status, or membership in another protected group.
- B. ***Sexual Harassment:*** Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

### IV. PROCEDURES

A. Prohibited Activity

1. No employee shall explicitly or implicitly ridicule, mock, bully, or belittle any person.
2. Offensive or derogatory comments, joking remarks, stories, nicknames, or other abusive conduct directed at employees because of characteristics from a protected class.
3. Sexual harassment
  - a. Sexual harassment occurs when any of the following apply:
    - Submission to such conduct is made either explicitly or implicitly a term or condition of employment.
    - Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee.
    - Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

B. Employee Responsibilities

1. Each employee of this agency has a duty to intervene in incidents of harassment or discrimination and is responsible for assisting in the

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prevention of such behavior through the following acts:

- a. Refraining from participating in or encouraging actions that could be perceived as discrimination or harassment.
- b. Reporting acts of discrimination or harassment to a supervisor, regardless if they are one of the involved parties.
- c. Encouraging any employee who confides that they are being harassed or discriminated against to report these acts to a supervisor.
- d. Refraining from inappropriate personal relationships with subordinates under their authority.

C. Supervisor Responsibilities

1. Each supervisor shall be responsible for preventing discrimination and harassment. This responsibility includes:
  - a. Monitoring the unit work environment on a daily basis for signs that discrimination or harassment may be occurring.
  - b. Informing all employees on the types of behavior prohibited and the agency procedures for reporting and resolving complaints of discrimination and harassment.
  - c. Stopping any observed acts that may be considered discrimination or harassment, and taking appropriate steps to intervene, whether or not the involved employees are within their line of supervision.
  - d. Taking immediate action to prevent retaliation towards the complaining party and to eliminate the hostile work environment where there has been a complaint of discrimination or harassment pending investigation. This should be done with guidance from the Office of the Sheriff or their designee.
    - If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant.
    - Transfer or reassignment of any of the parties involved

should be voluntary, if possible; if non-voluntary, it should be temporary, pending the outcome of the investigation.

- e. Failure of a supervisor to appropriately handle the investigation of a report of harassment or discrimination will be considered neglect of duty and will be subject to discipline up to and including termination.
- 2. Each supervisor is responsible for assisting any employee of this agency who comes to that supervisor with a complaint of harassment or discrimination in documenting and filing a complaint with the Division Commander or other appropriate authority.

D. Complaint Procedures

- 1. All employees have the right to work in a hostile-free environment and should always protect that right when they encounter harassment or discrimination. Any employee who believes they are being harassed or discriminated against should immediately report the incident(s) to their supervisor so that steps may be taken to protect the employee from further harassment or discrimination, and so appropriate investigative and disciplinary measures may be initiated.
- 2. Any employee who is uncomfortable for any reason in bringing such a matter to the immediate attention of their supervisor,
  - a. If the complaining employee is not satisfied after bringing the issue to the attention of their supervisor, they should report the incident to another supervisor, any Division Commander, or the Office of the Sheriff.
  - b. If the actor is the Sheriff, the employee shall report the matter to the Kent County Human Resources Department.
- 3. The supervisor or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the discrimination or harassment, any witnesses to the incident(s) and the date(s) on which it occurred.
- 4. The KCSO employee taking the complaint shall promptly submit a confidential memorandum documenting the complaint to the Office of the Sheriff.
- 5. The Professional Standards Division or their designee shall be

responsible for promptly investigating any complaint alleging harassment or discrimination in accordance with state law.

- a. The Professional Standards Division shall immediately notify the Office of the Sheriff if the complaint contains evidence of criminal activity (e.g., assault, criminal sexual conduct).
  - b. The investigator shall include a determination as to whether the person is harassing other employees and whether other agency members participated in or encouraged the discrimination or harassment.
  - c. The Office of the Sheriff or their designee shall inform the parties involved of the outcome of the investigation.
6. The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

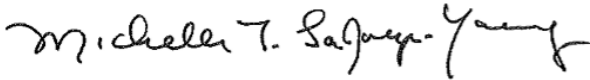
**E. Retaliation**

1. Retaliation against any employee for filing a harassment or discrimination complaint or for assisting, testifying, or participating in the investigation of such a complaint, is illegal and is prohibited by this agency and by federal and state statutes.
2. Retaliation is a form of employee misconduct and will result in discipline up to and including discharge. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints.

**V. CANCELLATIONS**

None

Authorized by:



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Michelle LaJoye-Young  
Sheriff

Index as:

Standard 1.5.5

*Application: This directive constitutes department policy and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims insofar as the employer's or employee's legal duty as imposed by law.*

## **KENT COUNTY SHERIFF'S OFFICE**