

26.03 HARASSMENT-FREE WORKPLACE

Supersedes: 211-R02 (03/10/17)

(01/28/26) Position responsible for updates: Undersheriff
CALEA: 26.1.3, 31.2.3

OJS: A501, A502, A503

Applies to all staff.

26.03.01 POLICY.

The Washington County Sheriff's Office maintains zero tolerance for any type of harassment in the workplace. The Sheriff's Office is committed to providing a work environment that is harassment-free for all staff members. On-the-job or job-related harassment is a serious policy violation that disrupts the community environment of the workplace and that may significantly interfere with an individual's work performance. This policy is intended to guide the actions of all staff in their dealings with one another, adults in custody, and members of the public. (A 26.1.3; 31.2.3)

26.03.02 PROCEDURE.

All County elected public officials, Department directors, managers, and supervisors are expected to create and maintain a work environment that is safe, civil, positive, respectful of each person's dignity, and free of all forms of discrimination, workplace harassment, sexual assault, and retaliation. (*See WC Admin Procedure 301A.*)

26.03.03 DEFINITIONS.

Adverse action. Negative treatment or other detrimental employment actions taken because of an individual's involvement in a discrimination, workplace harassment, sexual assault, or retaliation complaint or in an investigative process related to such a complaint. Individuals who are protected from retaliation include:

1. those who make good faith reports that workplace harassment, discrimination, sexual assault, or retaliation occurred;
2. those who are accused of workplace harassment, discrimination, sexual assault, or retaliation;
3. those who are associated with individuals who report workplace harassment, discrimination, sexual assault, or retaliation; or
4. those who participate in the Complaint Reporting and Response Procedures associated with WC Policy 301.

Offensive Conduct. Includes, but is not limited to, offensive jokes, slurs, epithets, or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults, offensive objects or pictures, and intentional interference with work performance.

Protected class status. A group of people protected from discrimination on the basis of a shared characteristic or a perception of that characteristic, such as age, gender, race, religion, national origin, mental or physical disability, veteran status, and sexual orientation.

Retaliation. Overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or group exercising rights under this policy. Retaliation also includes all actions toward an employee that are likely to deter them from complaining to the EEOC, the courts, and their employers about discrimination in the workplace - including actions that are not employment related.

Sexual assault. Any unwanted touching of the sexual or other intimate parts of a person, or causing such person to touch the sexual or other intimate parts of the actor, for the purpose of arousing or gratifying the sexual desire of either party.

Sexual harassment. Any unwelcome sexual advance, request for sexual favors, or verbal, written, or physical conduct of a sexual nature directed toward an individual because of the victim's gender or sexual orientation. Sexual harassment falls into two broad categories:

1. *Quid pro quo* – A form of sexual harassment when a manager, supervisor, or a person of authority implies, threatens, or actually gives or withholds a work-related benefit in exchange for sexual favors. Typically, the harasser attempts to gain sexual favors from the victim by either rewarding or punishing the victim in some way.
2. *Hostile environment* – A form of sexual harassment when a victim is subjected to unwelcome and severe or pervasive repeated sexual comments, innuendoes, touching, or other conduct of a sexual nature which creates an intimidating, hostile, or offensive place for the victim or other employees to work.

Staff. Employees, reserve deputies, volunteers, interns, and contract employees of the Sheriff's Office.

Workplace harassment. Any unwelcome verbal, written, or physical conduct that either degrades or shows hostility or aversion towards a person, including but not limited to conduct on the basis of a person's race, sex, color, national origin, religion, sexual orientation, age, veteran status, political affiliation, or disability, that (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an employee's work performance; or (3) affects an employee's employment opportunities or compensation. (*Also see WC Policy 301 Workplace Discrimination, Harassment, Sexual Assault, and Retaliation Prevention.*)

Zero tolerance. Zero tolerance for harassment and retaliation means the Sheriff's Office will not accept, nor allow any form of harassment or retaliation under any circumstances. All incidents are taken seriously and will be investigated, which could result in consequences.

26.03.04 PROHIBITED CONDUCT.

- A.** Behaviors that may include; words, actions, gestures, conduct, or conduct that could reasonably be construed or perceived by another person as hostile, offensive, or intimidating is prohibited. Harassment based on "protected class status" is unlawful, prohibited, and not condoned. Use of harassment to affect another staff, or potential staff member's terms or conditions of work for the Sheriff's Office is prohibited. Staff use of harassment to affect an AIC's custody status or lodging conditions is prohibited. Examples of sexually harassing conduct which may give rise to a violation of this policy include but are not limited to:
1. unwelcome sexual advances and innuendoes;
 2. unwelcome or inappropriate touching;
 3. sexually suggestive jokes;
 4. sexual gestures;
 5. pressure for dates or sexual favors;
 6. derogatory comments about sexual orientations or gender identifications;
 7. sexually suggestive or derogatory posters, drawings, pictures, or e-mail messages;
 8. gender-bashing; and/or
 9. other verbal, written, physical, or graphic conduct of a sexual or gender-based nature.

- B.** Examples of workplace harassment that may give rise to a violation of this policy include but are not limited to:
1. racial slurs;
 2. name calling;
 3. ethnic or inappropriate jokes;
 4. derogatory comments about a person's physical or mental disabilities;
 5. derogatory comments about a person's religious beliefs;
 6. walking out while talking or interrupting work activities;
 7. insulting or belittling words or actions;
 8. spreading false rumors or making false accusations of wrongdoing;
 9. threats of physical violence;
 10. intimidating physical gestures or actions, such as yelling, throwing objects, or pounding on an object; and/or
 11. other verbal, physical, or graphic conduct of a racial, ethnic, religious, age, disability-related, or improper nature.
- C.** Staff members who know of harassment, either in the form of workplace harassment or sexual harassment, by **non-staff** members in a Sheriff's Office workplace must report the information to a supervisor, higher command staff person, up to the Sheriff or the County's human resources office immediately.
- D.** The Professional Standards Division Commander will ensure staff members receive documented training on detecting, preventing, reporting, and responding to harassment. The reading and acknowledgment of the content of this policy may serve as training.

26.03.05 REPORTING HARASSMENT. (A 36.1.3)

- A.** The Sheriff's Office requires all staff to report complaints of harassment of any kind to a supervisor immediately.
- B.** Any staff member who believes they have been the subject of sexual or workplace harassment by staff, AICs, or a person who does business with the Sheriff's Office must promptly report the harassment to their immediate supervisor. However, if the offending party is in the complainant's chain-of command or if the staff member feels uncomfortable in reporting the conduct in question to an immediate supervisor, the staff member may choose to report the conduct directly to the Internal Affairs Unit, Sheriff, Washington County Human Resources, County Counsel, or via the Ethics Matters hotline (1-855-236-6972). While efforts will be made to maintain the confidentiality of any person reporting harassment and to obtain their cooperative input, all staff must understand that supervisors are required to promptly investigate reports of harassment and cannot ignore reports of harassment even if the complainant or victim does not want any action taken. (*See WC Administrative Procedures 301A: Workplace Discrimination, Harassment, Sexual Assault, and Retaliation Prevention.*)
1. *Note that Oregon state law requires that any legal action taken on alleged discriminatory conduct (specifically that prohibited by ORS 659A.030, 659A.082 or 659A.112) commence **no later than five years** after the occurrence of the violation. Other applicable laws may have a shorter time limitation on filing.*
- C. Harassment** that is witnessed by a third party, or staff members who observe conduct or overhear comments that raise concerns about compliance with this policy shall report such conduct to any of the people listed in the paragraph above. (Jail staff will report and enforce

prohibitions on harassment by AICs using the AIC discipline process found in policy J-7-6, *Rules, and Discipline.*)

- D. Jail staff members may have an AIC use the grievance, AIC request, or AIC mail system to report harassment, if an AIC does not wish to speak to a staff member directly. Jail staff members will investigate and respond to harassment complaints using the standard procedures for reporting.
- E. All staff must respect the right of others to raise harassment concerns and take part in investigations. No form of retaliation against a person who complains about harassment, or a person who participates in a harassment investigation, will be tolerated. Retaliation will be dealt with as a serious violation and may result in discipline up to and including termination.

26.03.06 COMPLAINT INVESTIGATION.

- A. Staff will follow the complaint investigation policy to assess complaints and determine if any corrective action is needed to promote a harassment-free work environment. The jail commander will have jail staff investigate instances of AIC harassment of others.
- B. Supervisors and managers who receive a harassment complaint or otherwise become aware of conduct that raises concerns regarding a violation of this policy should promptly prepare a written summary of the complaint or conduct in question. The report must be promptly delivered to the Sheriff. (*See WC Admin Procedure 301-A Workplace Discrimination, Harassment, Sexual Assault, and Retaliation Prevention section 2.*)
- C. The investigation of a complaint should begin immediately. The confidentiality of harassment investigations will be maintained if reasonably possible, but in no case will confidentiality override the Sheriff's Office obligation to promptly investigate and take appropriate corrective action.

26.03.07 RETALIATION PREVENTION.

- A. Staff will broadly interpret retaliation to include not only overt retribution, but also a person's refusing to communicate or cooperate, withholding information, equipment or supplies necessary to accomplish the person's duties, and unfairly scrutinizing staff work performance. Retaliation also includes all actions toward an employee that are likely to deter them from complaining to the EEOC, the courts, and their employers about discrimination in the workplace-including actions that are not employment related.
- B. Any staff member who feels they have been retaliated against for reporting harassment or taking part in harassment investigations should promptly report the retaliation to their immediate supervisor.
- C. If a staff member, for any reason, feels uncomfortable reporting the alleged retaliation to their immediate supervisor, they may report it to the Sheriff or to Human Resources.

26.03.08 INVESTIGATIVE FOLLOW-UP.

Command staff will ensure the victim is notified of the course of action taken as permitted by law and will document that notification. They will also ensure follow-up with complainants and other

involved parties as appropriate. This is to ensure that staff members and others are free from continued harassment or retaliation for reporting or taking part in investigations. Command staff will ensure that notifications and follow-ups are documented

REFERENCES

- ORS 659A.029, “Because of Sex” Defined for ORS 659A.030
- ORS 659A.030, Discrimination Because of Race, Religion, Color, Sex, National Origin, Marital Status, or Age Prohibited
- Oregon Administrative Rules (OAR), Chapter 839, Bureau of Labor and Industries, Division 5, Discrimination
- WCSO Policy 551, *Receiving and Screening Personnel Complaints*
- WCSO Policy J-7-6, *Rules, and Discipline*