

RE: SEXUAL HARASSMENT AND HOSTILE WORK ENVIRONMENT	
POLICY & PROCEDURE # 320	EFFECTIVE DATE: 12-23-03
SUPERCEDES: <u>Jail Policy # BE-18 Sexual Harassment</u> <u>Jail Policy #112 Sexual Harassment</u> <u>SCSO Policy Bulletin 06-1999</u> <u>SCSO Procedure Bulletin 02-1997, 03-1999</u>	REVIEW DATE: 3-17-07 ADDENDUM: 4-13-05, 3-17-06
DISTRIBUTION: ALL PERSONNEL	
REFERENCES: SCSO Shelby County Policy # 320	CROSS REFERENCES: 361 Equal Employment Opportunity
CALEA: 26.1.3	Bulletin:

320.00 POLICY AND PURPOSE

The purpose of this Policy and Procedure is to establish a uniformed guideline for addressing the issues of sexual harassment, and hostile work environment involving employees of the SCSO. This policy incorporates and adopts in full [Shelby County Government's Harassment Policy #320](#). The SCSO has zero tolerance for sexual harassment and hostile work environmental situations as defined in this policy.

320.01 APPLICABILITY

All employees of the SCSO.

320.02 DISTRIBUTION

This policy will be maintained in all departments and on the SCSO intranet to assure accessibility by all employees. This policy will be reviewed annually and updated as needed.

320.03 DEFINITIONS

A. Hostile Work Environment --

Hostile work environment includes, but not limited to, the following behaviors:

1. Creating a work environment that is intimidating, hostile, abusive, or offensive because of unwelcome or unwanted conversations, suggestions, requests, demands, physical contacts or attentions, whether sexually oriented or otherwise related to a prohibited form of harassment.
2. The distribution, display, or discussion of any written or graphic material, including calendars, posters, cartoons, or names slandering character or reputation, showing hostility or aversion toward an individual or group because of race, color, religion, age, sex, pregnancy, national origin, disability, marital, or other protected status.

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- B. **Sexual harassment** - behavior that includes, but is not limited to **unwelcome** sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature **when**:
1. Submission to such conduct is made either implicitly or explicitly a term or condition of employment; or
 2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
 3. Such conduct has the purpose or effect of unreasonably interfering with the individuals work performance or creating an intimidating, hostile, or offensive working environment.
- C. **Sexual Harassment Executive Committee ("Executive Committee")**
The Executive Committee consists of the Chief Administrative Officer, Human Resource Director, the Legal Advisor, and the Director of the Bureau of Professional Standards and Integrity.
- D. **SCSO Sexual harassment Prevention Team (Prevention Team)**
A group of employees designated by the Sheriff and trained to receive and initially investigate or resolve certain claims of sexual harassment.

320.04 FACTUAL ASSESSMENTS

Factual assessment of an employee's skills, abilities, or performance by a training officer, supervisor, or employee in a chain of command does not constitute the creation of a hostile work environment.

320.05 PROHIBITED ACTIVITIES

- A. The following activities are expressly prohibited:
1. Any act by an employee(s) towards another person that would constitute sexual harassment under this policy or under [Shelby County Policy 320](#).
 2. Any act by an employee(s) towards another employee(s) that would constitute a hostile work environment as defined in this policy.
- B. Physical horseplay, including use of any type of restraints, is strictly prohibited.

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320.06 ACCEPTABLE ACTIVITIES

Professional, courteous, mutual respectful, pleasant, non-coercive interactions between employees, including persons of the same or different gender that are acceptable to and are welcomed by both parties are not considered harassment, including sexual harassment.

320.07 COMPLAINT RESOLUTIONS

A. Individual Initiative

If any employee believes he or she is being subjected to any of these forms of harassment in this policy, the employee is encouraged to clearly and promptly notify the offender that his/her conduct is unwelcome. If the matter is not resolved or if the harassment involves a physical assault of any kind or any recurrent verbal harassment, the employee must also immediately bring this information to the attention of his or her supervisor, anyone in the employee's chain of supervision or to a member of the Prevention Team. Nothing in this policy precludes an employee from also contacting the Shelby County Equal Opportunity Compliance Office, the Shelby County Director of Human Resources, the SCSO Human Resources Director or the U. S. Equal Opportunity Commission.

B. Complaints to the Prevention Team

1. The Prevention Team members are authorized, along others listed in Section 320.07 (A) of this policy, to accept individual complaints of sexual harassment.
2. The Prevention Team will also investigate, resolve, make findings and recommendations for resolution to the Executive Committee in cases of alleged sexual harassment which are not:
 - a. high profile cases; and
 - b. potential criminal cases;
3. The Prevention Team will develop an SOP to outline their investigative techniques and recommendation procedures.

C. Supervisor and Human Resources Responsibilities

1. Any supervisor personally witnessing or otherwise being made aware of a situation of sexual harassment or hostile work environment must immediately seek to end the prohibited or offensive activity and report it immediately to SCSO Human Resources (10th Floor, 201 Poplar, Memphis, TN). Failure of a supervisor to act in a timely fashion, will result in disciplinary action.

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2. The supervisor, Prevention Team member or other employee receiving a complaint or otherwise being made aware of a situation of sexual harassment or hostile work environment must *immediately* (always within 10 hours, including holidays and weekends) report all allegations, complaints, or concerns to the SCSO Human Resources Department. The SCSO Human Resources Department is responsible for logging and tracking all complaints. The Executive Committee is responsible for reviewing all such complaints in order to assess the nature and seriousness of the situation. Investigations of complaints will be referred to the Prevention Team, the Bureau of Professional Standards and Integrity, or in appropriate cases to outside investigators.

320.08 **MANDATORY NATURE OF POLICY**

- A. The procedures in this policy are mandatory any time a supervisor or employee becomes aware of conduct, which potentially violates this policy and procedure, even if the person who is the alleged recipient of improper conduct expresses a desire not to proceed further.
- B. Any employee using this complaint resolution procedure will be treated courteously, the problem handled as swiftly and confidentially as is feasible in light of the need to take appropriate corrective action. The registering of a good faith complaint will in no way be used against the employee who brings the matter to the attention of the SCSO nor will it have an adverse impact on the employee's employment status.

NOTE: Employees of the SCSO are also subject to [Shelby County's Harassment Policy #320](#).

Authority of



Mark H. Luttrell Jr., Sheriff