	SMPSO # 152	General Orders Chapter Administration Subject: Harassment	St. Mary Parish Sheriff's Office
	RELATED LOUISIANA CODE		

PURPOSE: The purpose of this order is to establish guidelines so that all employees of the St. Mary Parish Sheriff's Office can enjoy a working environment free from all forms of discrimination, including prohibited harassment. Prohibited harassment shall be treated as major employee misconduct and will not be tolerated under any circumstances.

SCOPE: This order applies to all members of the St. Mary Parish Sheriff's Office.

DISCUSSION: It is important that the workplace be free of actions that create a hostile and threatening environment. It is imperative that all supervisors and employees understand what constitutes unwanted harassment and ensure that they control their own behavior in the workplace so they do not purposely or inadvertently engage in such prohibited activity and do harm to others.


POLICY: Employees strive to maintain and promote a productive working environment free of harassing or disruptive conduct. All employees promptly correct and/or report to management any harassment, disruptive, or inappropriate conduct.

No form of harassment or discrimination is tolerated, including harassment because of, or by inappropriately emphasizing an individual's *race, national origin, religion, disability, pregnancy, age, military status, gender, or sex*. SMPSO will follow federal and state laws regarding harassment or discrimination.

DEFINITIONS:

- **Harassment, harass, harassed, harassing, harasses** - 1. To irritate or torment persistently. 2. To wear out; exhaust. 3. To impede and exhaust an adversary with repeated attacks.
- **Sexual harassment** - Unwanted, unwelcome and/or offensive sexual advances or sexually derogatory or discriminatory remarks, as those made by an employer to an employee, employee to employer, or employee to employee, or the creation of a sexually objectionable environment through words, gestures or actions.

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- **Workplace also work place** - 1. A place, such as an office or a factory, where people are employed. 2. The work setting in general. 3. For law enforcement this includes any area, place, or location when and where on duty, to include authorized secondary employment where the officer is performing security or law enforcement services for a third party employer, or any activity taken in the course of employment or under the color of law.
- **Supervisor** - Any person empowered to make economic decisions or decisions affecting the terms, privileges or conditions of employment for other employees under his/her control.

PROCEDURE:

I. Sexual Harassment:

- A. Although no form of harassment or discrimination is to be tolerated, *sexual harassment* is also specifically and expressly prohibited.
- B. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment. When submission to or rejection of such conduct is made a term or condition of employment (expressly or implicitly), or when such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment, disciplinary action will be taken.
- C. Sexually harassing conduct includes, but is not limited to, the following actions:
 - 1. Unwelcome sexual flirtations, propositions, offensive touching, or comments on a person's physical characteristics.
 - 2. Verbal abuse of a sexual nature to include:
 - a. Repetitive use of offensive words and/or gestures of a sexual nature describing body parts or a sexual act.

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b. Telling suggestive ("dirty") stories.

3. Conversation between employees about subjects which are sexual in nature and perceived as offensive.
4. Displaying in the workplace sexually suggestive objects, pictures, pornographic magazines, gestures, or representations of any action or subject of a sexual nature which can be perceived as offensive.
5. Retaliation or discrimination against employees for refusal of unwelcome sexual advances and/or for complaining about and/or reporting sexually harassing behavior.
6. Offensive conduct between members of the same gender may constitute harassment, as well as conduct between members of the opposite sex.


II. Other Forms of Harassment:

- A. Forms of harassment or discrimination other than sexual harassment include slurs and other verbal or physical conduct relating to an individual's race, national origin, religion, disability, pregnancy, age, military status, or gender, which creates an intimidating, hostile, or offensive working environment or otherwise adversely affects an individual's employment opportunities.

III. Reporting Requirement:

- A. Any employee, who believes that he or she has been subjected to unlawful or inappropriate harassment or discrimination, or has witnessed such behavior or conduct while on the job, must immediately report the incident to his or her supervisor.
- B. If the supervisor of the reporting or victim employee is the subject of the alleged complaint, or *if for any reason* the employee does not wish to report such an incident to their supervisor, the employee will immediately report the matter directly to Human Resources or any supervisor.

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C. In the case the Sheriff is the subject of the complaint, the report will be made to any supervisor including the Chief Deputy and/or Human Resources.

1. If reported to a supervisor or Human Resources, they must report the violation to the Chief Deputy as soon as possible.

D. If the employee is unsatisfied with the response at any level, the employee may request the decision be reviewed at the next higher level.

E. In the event the alleged offender is a *detainee*, *trustee*, or *inmate* under the control of the Sheriff or State corrections authorities, the offended inmate's supervisor, will take immediate action to stop the harassment action, and report the matter to the controlling agency authority.

IV. Retaliation:


A. Retaliation is forbidden. The Sheriff does not tolerate any form of retaliation or discrimination against employees availing themselves of the responsibility to report harassment. The reporting requirement should not be construed, however, as preventing, limiting, or delaying the St. Mary Parish Sheriff's Office from taking disciplinary action against any individual, up to and including termination, for unrelated matters.

B. This agency does not permit or condone any acts of retaliation or discrimination against anyone who files legitimate harassment complaints or cooperates in the investigation of such complaints.

V. Investigation of Complaints:

A. All reported incidents of harassment alleged against an officer, employee, or authorized visitor to the agency are to be timely investigated by Internal Affairs or the Sheriff's designee.

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B. Complaints against fellow employees are to be treated *confidentially* to the extent that a thorough investigation reasonably allows. Statements of the complaining party and key witnesses are to be completed on official *witness statement* forms, signed, and witnessed. Prior to the signing of any such statement, each complainant, witness, or subject of an investigation is to be reminded of the perjury laws of the state, and advised of the consequences of filing a false report. Any individual determined to be a *criminal suspect* is to be read their *Miranda Warning*, prior to any interrogation.

C. An investigation of complaints of harassment should be completed within twenty-one days of receipt of the complaint by Internal Affairs. Once the investigation is complete, a report and any disciplinary recommendations will be submitted to Sheriff and/or Chief Deputy for review. If no additional inquiry is requested, the Sheriff will be provided with the report and recommendation(s). If an additional inquiry is ordered by Sheriff and/or Chief Deputy, any supplemental reports and recommendations are to be forwarded to the Sheriff and/or Chief Deputy. Final determinations and any disciplinary action shall be determined by the Sheriff and/or his designee within ten days after presentation of the report and recommendations to the Sheriff.

VI. Disciplinary Action:

A. A violation of this policy may be grounds for disciplinary action, including but not limited to *warning, suspension, discharge, demotion, transfer, or probation*. The Sheriff may also impose other remedial actions including but not limited to *counseling, training, treatment, placing of conditions on continued employment, and criminal referral*.

B. If it is concluded that a complaint or report of harassment was intentionally or knowingly false or that information provided in an investigation was intentionally or knowingly false, the individual(s) providing such false complaint, report, or information are subject to disciplinary action, and possible criminal charges for *filing a false or misleading police report or official document*.

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