

**MARIN COUNTY SHERIFF'S OFFICE
GENERAL ORDER MANUAL**

**CHAPTER 2 - PERSONNEL
GO-02-09
PAGE 1 of 1**

**DATE
9-3-99
REV. 8-8-94**

DISCRIMINATION/SEXUAL HARASSMENT POLICY

POLICY

The policy of the County of Marin regarding Discrimination/Sexual Harassment shall be the Policy of this Department.

PROCEDURE

The text of this order is the verbatim Policy of the County of Marin regarding Discrimination/Sexual Harassment. Any change hereto must be approved by the Board of Supervisors.

RELATED STANDARDS:

Marin County Discrimination/Sexual Harassment Policy

AFFECTED DIVISIONS:

All

DATE OF REVISIONS:

By order of

ROBERT T. DOYLE
SHERIFF

**POLICY ON DISCRIMINATION
AND
SEXUAL HARASSMENT**

COUNTY OF MARIN

10/6/81
Amended July 18, 1989

**AFFIRMATIVE ACTION IMPLEMENTATION PLAN
COUNTY OF MARIN REVISED 1989 SECTION VII
EMPLOYMENT PRACTICES**

POLICY RE: DISCRIMINATION/SEXUAL HARASSMENT

The Marin County Board of Supervisors' goals for the County and the Affirmative Action Implementation Plan adopted September 2, 1977 declares that no person employed by the County of Marin, or seeking employment therewith, shall be discriminated against in recruitment, examination, appointment, training, promotion, retention, discipline, or any other aspects of personnel administration because of race, color, religion, national origin, ancestry, marital status, sex, age, physical or mental disability (including ARC and/or HIV positive), sexual orientation, political or religious opinions or affiliations or any other factor unrelated to job performance.

The Board hereby reaffirms this policy. The Board further declares that sexual harassment constitutes sex discrimination which is prohibited.

It is the policy of the County of Marin to provide a neutral work environment free from unwelcome and uninvited sexual overtures and advances. County employees are expected to adhere to a standard of conduct that is respectful and courteous to other employees and to all persons at any time when they are acting as County employees. The County will not tolerate any form of sexual harassment. To this end, the County establishes a policy on sexual harassment.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is found in deliberate or repeated unsolicited, uninvited verbal comments, gestures or physical contact of a sexual nature which are unwelcome.

Intentional communication or conduct found sexually offensive by others constitutes sexual harassment when the person making such offensive statements or performing such offensive conduct knows or should know of its offensive impact and does so notwithstanding these circumstances. Sexual harassment as defined by the policy includes but is not limited to sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when they:

1. Interfere in work performance or
2. Create an intimidating, hostile or offensive working environment or
3. Influence or affect the career, salary, conditions, job or other aspects of career development of an employee or prospective employee or
4. Are an explicit or implicit term or condition of an individual's employment or
5. Show sexual favoritism

Prevention is the best tool for the elimination of sexual harassment. Employers are responsible for taking all steps necessary to prevent sexual harassment from occurring within their organizations. These steps should encompass discussion of the subject, expression of strong disapproval of sexual harassment and taking appropriate disciplinary action after timely investigation when acts of sexual harassment occur.

Retaliation resulting from filing a complaint of sexual harassment is unacceptable behavior and is subject

to the same complaint procedure.

All commissions, departments, boards and agencies shall give **each** of their employees a copy of this policy and shall further inform them in writing of how a complaint of sexual harassment can be filed under the County Affirmative Action complaint procedure.

All representatives of the County Affirmative Action Officer and other County staff involved in these proceedings will be bound by the highest degree of confidentiality. If either party requests, the appeal proceedings by the Personnel Commission shall be a closed hearing unless the other party demands that the hearing be conducted in public.

Nothing contained herein shall be deemed to abridge or modify the power of a Department Head or the Board of Supervisors to impose disciplinary action on an officer or employee who has engaged in sexual harassment.

This policy shall be construed in a manner consistent with the rights of free speech, association and privacy.

MAINTAINING A HARASSMENT FREE WORK ENVIRONMENT

Although we have always believed in the principles underlying a harassment free work environment, we feel the topic is of significant importance to warrant a specific policy statement. Outlined below is information to assist you in determining what constitutes harassment and what you can do about it.

A. PURPOSE

In order to provide a productive and pleasant working environment, it is important that we maintain an atmosphere characterized by mutual respect and professional conduct toward each other. Accordingly, the kind of conduct characterized as harassment below will not be tolerated. In addition, we will attempt to protect employees, to the extent possible, from reported harassment by non-employees in the workplace.

In general, ethnic, or racial slurs and other verbal or physical conduct relating to a person's race, color, religion, national origin or handicap constitute harassment when they unreasonably interfere with a person's work performance or create an intimidating work environment.

Sexual harassment has been defined by federal and state law as a form of sex discrimination. Sexual harassment does not refer to occasional compliments. It does refer to behavior which is unwelcome, which is personally offensive, which debilitates morale and which unreasonably interferes with the work environment or an employee's work performance. It can include actions such as unwelcome sexual advances, requests for sexual favors, the display of derogatory posters, cartoons or drawings, physical contact, such as patting, pinching or constant brushing against another's body, or any other physical or verbal conduct of a sexual nature by supervisors or others in the workplace.

Sexual harassment exists when:

- a. Supervisors or managers make submission to such conduct either an explicit or implicit term or condition of employment, (including hiring, compensation, promotion or retention); or
- b. Submission to or rejection of such conduct is used by supervisors or managers as a basis for employment decisions.

B. PROCEDURES

Any employee or employment applicant who feels that he or she has been subjected to harassment as defined above is strongly encouraged to bring the subject to the attention of his or her supervisor, union representative or the Affirmative Action Officer. Individuals who experience sexual harassment from co-workers should immediately make it clear to the offender that such behavior is unwelcome and offensive. Do not ignore the problem. Discuss the incident with your supervisor or department head. Document the incident, including date, time, place, who was present and the general circumstances.

A more difficult situation for employees to cope with occurs when individuals threaten to use the power of their position to control, influence or affect the salary or career of another employee in exchange for sexual favors. Complaints of sexual harassment involving misuse of one's position shall be made to a higher level supervisor and the Affirmative Action Officer.

All inquiries or complaints will be immediately investigated by the appropriate party. Any investigation will be conducted in as confidential manner as is compatible with a thorough investigation of the complaint.

Any employee determined to have harassed another employee or applicant for employment will be subject to appropriate disciplinary procedures up to and including termination and may be held liable for civil damages or criminal sanctions.

C. RESPONSIBILITIES

Each manager and supervisor is responsible for implementing this policy within his or her area of responsibility. To increase awareness of conduct which may be construed as sexual harassment, we will incorporate sexual harassment training in future managerial, supervisory, EEO and other appropriate training courses.