



**VOLUSIA COUNTY SHERIFF'S OFFICE**  
Sheriff Ben F. Johnson

---

**Departmental Standards Directive**

**TITLE: WORKPLACE HARASSMENT AND DISCRIMINATION**

**CODIFIED: 22.10**

**EFFECTIVE: 10-2001**

**RESCINDS/AMENDS: 22.10/07-1999**

**ATTACHMENTS: 0**

**PURPOSE**

The purpose of this Directive is to define and forbid certain conduct that is actionable workplace harassment and discrimination. "Workplace harassment" is defined as sexual harassment by members of the opposite sex or same sex, and "hostile working environment harassment and discrimination" that is based on, among other things, age, race, national origin or religious beliefs.

The Volusia County Sheriff's Office prohibits the condoning of or perpetuating the conduct of those employees who display such behavior. Therefore, it is the Sheriff's Office intent to provide a means for reporting and resolving complaints of actionable workplace harassment or discrimination, and complaints of action or behavior condoning or perpetuating such harassment and discrimination in the workplace.

**DISCUSSION**

Actionable workplace harassment which includes opposite sex or same sex harassment, discrimination, or hostile working environment harassment in the workplace is unlawful employment practice. Sexual harassment and discrimination are violations of Title VII of the Civil Rights Act of 1964 and as amended in 1980 by the Equal Employment Opportunity Commission. On March 4, 1998 the United States Supreme Court held that same sex sexual harassment in the landmark case of Oncale v. Sundowner Offshore Services, Inc., is actionable under Title VII. Other court decisions have imposed liability for hostile working environment harassment based on, among other things, age, race, national origin, and religious beliefs.

**Sexual harassment and same sex harassment** is unsolicited, offensive behavior involving sexual overtures or conduct, either verbal or physical. It does not refer to the occasional comments of a socially acceptable nature, but refers to behavior that is unwelcome, personally offensive, lowers morale, and/or disrupts the working environment.

EEOC guidelines define sexual harassment in the workplace as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when any of the following occurs:

- Submission to such conduct is made either explicitly or implicitly a condition of employment
- Submission to, or rejection of, such conduct by an individual is used as a basis for employment decisions affecting the individual
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

The following are examples of behaviors that can create a hostile environment if they are unwanted or uninvited:

- Off color jokes or teasing
- Comments about body parts or sex life
- Suggestive pictures, posters, calendars or cartoons
- Leering, stares or gestures

- Repeated requests for dates
- Excessive attention in the form of love letters, telephone calls or gifts
- Touching -- brushes, pats, hugs, shoulder rubs or pinches
- Such conduct offends a person other than the person to whom the sexual conduct is directed.

It is important to note that conduct may be offensive to people who happen to overhear or see the behavior, even if it was not directed at them. Employees and supervisors must be vigilant to prevent these situations which may be witnessed by third parties, even if no complaint is made.

**Sexual discrimination** refers to any difference, distinction, or preference in treatment, access (e.g., opportunity to be assigned to specialized elements), or impact (e.g., effect on organizational decisions), because of one's sex.

Either men or women may be violators or victims of actionable workplace sexual or same sex harassment, hostile working environment, or discrimination.

## POLICY

It is the policy of the Volusia County Sheriff's Office to prohibit all sexual and other forms of unlawful harassment in the workplace and to provide a means by which harassment can be reported, including a means by which it can be reported if the offending party is in the complainant's chain of command. The department is committed to investigating all reported complaints fairly and impartially and, where the allegations are determined to be founded, to taking appropriate corrective actions.

Where it is determined that possible criminal acts, such as sexual assault, may be involved, beyond the harassment and discrimination behaviors indicated here, appropriate administrative and criminal investigatory procedures will take precedence. All investigations and corrective actions under this Directive shall be in addition to, and secondary to, such criminal investigations.

## PROCEDURE

**22.10.1** It is intended that these policies apply to all those who are directly involved in the workplace environments under the jurisdiction of the VCSO including employers, employees, contractors and volunteers. Individuals who violate departmental policy prohibiting actionable workplace sexual or same sex harassment, hostile working environment or discrimination are subject to disciplinary action.

**22.10.2** In addition to employees, these standards are applicable to persons not employed by the Sheriff's Office but who may have business at any of the several offices or facilities of the Sheriff's Office. Thus, vendors, contractors, or other individuals who have business with the Sheriff's Office are prohibited from creating a sexually hostile work environment for employees. Any member who witnesses such conduct, especially supervisors, shall take corrective action immediately.

### IMPROPER BEHAVIOR

**22.10.3** Employees and other individuals shall not engage in the following conduct:

- Threatening or implying, either explicitly or implicitly, that an employee's refusal to submit to sexual favors or advances may adversely affect the employee's employment, performance evaluations, wages, promotion, assigned duties, shifts, or any other condition of employment or career development.
- Threatening or implying, either explicitly or implicitly, that a job applicant's refusal to submit to sexual favors or advances may adversely affect employability.
- Creating a sexually harassing environment by such actions as offensive sexual flirtations, advances, propositions, verbal abuse of a sexual nature, displays of sexually graphic material, graphic verbal commentaries about an individual's body, sexually degrading words, remarks concerning sexual preference, or such other sexually offensive conduct that has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

- Taking, or threatening to take, retaliatory action of any kind against an employee as a result of that person seeking redress for, or complaining of, sexual harassment or discrimination.
- Exhibiting any other behavior that falls within the definitions of sexual harassment and discrimination as previously described.

## COMPLAINT PROCEDURES

**22.10.4** If an employee experiences any job-related harassment, or has a related complaint, or, believes he or she has been treated in an unlawful, discriminating manner, he or she should promptly make the objection to the offender.

**22.10.5** If the offensive behavior is severe or if it persists, he/she should inform the supervisor, unless the complaint is against the supervisor, in which case employees should make the complaint to that supervisor's superior. In order for the Sheriff's Office to effectively deal with the problem, employees must report such offensive conduct or situations.

**22.10.6** If the employee does not feel comfortable reporting the situation via his or her chain of command, he or she may file a complaint directly with one or more of the following, as the employee deems appropriate:

- Any Supervisor in the complainant's chain-of-command. Complaints will be forwarded to the Internal Affairs (IA) Unit by the Supervisor within 24 hours of receipt. Findings will be reported to the employee's Division Commander.
- If the employee does not feel comfortable reporting the situation via his or her chain of command, he or she may file a complaint directly with the Internal Affairs Unit. Within 72 hours after receiving the initial complaint, a briefing will be held to update the employee's Division Commander and the Sheriff, or his designee, on the status of the investigation. A determination will be made concerning whether personnel action is desired during the course of the investigation.

**22.10.7** The Internal Affairs Unit shall be responsible for initially reviewing all internal complaints of sexual harassment and discrimination. This review will be conducted by the Internal Affairs Unit to assess the nature, validity and seriousness of the situation.

**22.10.8** Other avenues of reporting outside of the agency include:

- Volusia County Personnel Office
- Florida Commission on Human Rights
- Equal Employment Opportunity Commission

## RESPONSIBILITIES

### EMPLOYEE RESPONSIBILITIES

**22.10.9** Employees have a responsibility to conduct themselves in an appropriate manner and will act responsibly to maintain a pleasant working environment, free of discrimination, allowing each employee to perform to his or her maximum potential.

### COMPLAINANT RESPONSIBILITY

**22.10.10** Complainants have a responsibility to make an objection to the offender and report sexual harassment through management channels and pursue their complaint to a higher authority if not satisfied with the response of anyone in their chain of command. Complainants must keep their complaints in management channels and not discuss such complaints with other employees.

### SUPERVISORY RESPONSIBILITIES

**22.10.11** Supervisors have a responsibility to act promptly and affirmatively when they observe behavior that violates this policy, and/or when they receive complaints of sexual harassment.

**22.10.12** Each VCSO Supervisor is responsible for ensuring that his or her workplace is free of sexual harassment and discrimination. These responsibilities include:

- Reviewing the VCSO policies and procedures concerning sexual harassment and discrimination with all employees.
- Assuring employees they need not endure sexually insulting, degrading, or exploitive treatment of any nature.
- Informing employees of their right to file a complaint for offensive conduct.
- Assuring employees that such investigations will be handled in accordance with applicable confidentiality provisions.
- Notifying the Internal Affairs Unit and the appropriate Division Commander of all complaints received and actions taken relating to the complaint.

**22.10.13** All complaints will be investigated promptly, impartially and discreetly and, upon completion of the investigation, the appropriate parties will be notified immediately of the findings.

#### **CORRECTIVE ACTIONS**

**22.10.14** The complainant's Division Commander, with approval of the Sheriff, may take any of the following actions to ensure that the investigation can proceed without conflict between the parties:

- Issue written orders to the involved parties to avoid contact pending the investigation.
- Have all parties remain in their current assignments pending the investigation, if appropriate.
- Detach one or more of the involved parties to a different assignment to improve the working environment pending the investigation. The complainant will not be reassigned unless exigent circumstances exist and approval has been granted by the Sheriff. If the complainant submits an unsolicited request for transfer, it will be considered.
- Place the accused party(s) on temporary administrative leave until the investigation has progressed to a point where the complainant's Division Commander can determine the best course of action to take regarding assignment of the involved parties.

**22.10.15** Any employee found to have committed actionable workplace sexual or same sex harassment, or having created a hostile working environment, or discrimination shall be subject to disciplinary proceedings as specified in Directives 26.1 and 26.2, up to and including dismissal.

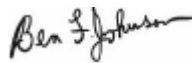
#### **FALSE ACCUSATIONS**

**22.10.16** The Volusia County Sheriff's Office recognizes that false accusations of sexual or same sex harassment can have a serious effect on innocent men and women. False accusations of sexual harassment can result, depending upon circumstances, in severe disciplinary actions.

**22.10.17** Where the results of an investigation reveal that a complaint of sexual or same sex harassment is wholly frivolous or groundless, the employee having made such complaint may be subject to disciplinary action, up to and including dismissal.

**Revised by:** 6620  
**Revised on:** 10-2001

**Approved:**



**Ben F. Johnson**  
**Sheriff, Volusia County**

10-2001