

POLICY AND PROCEDURES

NUMBER: 141

SUBJECT: Sexual Harassment

ACA STANDARDS: None

INTERIM DIRECTOR: *Lt. Col. Troy Doyle*

EFFECTIVE DATE: 7/18/86

REVISION DATE: 9/97, 12/99,
1/02, 12/02, 12/03, 11/13, 12/14, 10/19



I. POLICY

The St. Louis County Department of Justice Services shall ensure all reports of sexual harassment are investigated quickly and confidentially to assist in providing a work environment free from discrimination, intimidation or coercion.

II. RESPONSIBILITIES

All St. Louis County Department of Justice Services' staff are responsible for the following procedures.

III. DEFINITION

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors and other verbal, written or physical conduct of a sexual nature constitutes sexual harassment when

(1) submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's employment,

(2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or

(3) 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. Any sexual advance, request for sexual favor and other verbal, written or physical conduct of a sexual nature towards an inmate institutes sexual harassment.

IV. PROCEDURES

A. General Information

1. All reports of sexual harassment by or directed at employees will be taken seriously and given a prompt, thorough and impartial investigation. Substantiated complaints will result in immediate and appropriate corrective action.
2. Disciplinary action, which may include dismissal, may be taken against employees found, after investigation, to have sexually harassed another person when such harassment is connected to the workplace.
3. Depending on the nature of the sexual harassment and violation, personal liability and criminal investigation might also result.
4. If the circumstances involved in a sexual harassment incident would make the use of the normal complaint procedure within a department clearly inappropriate, an employee in such a situation may submit the complaint directly to the Internal Affairs *Manager*, appropriate Superintendent, or Director.
5. Every effort will be made to resolve complaints within the department. When resolutions can not be achieved within the department, complaints will be forwarded to the Division of Personnel.
6. During an investigation, a temporary transfer or other temporary action may be offered to the complainant.

B. Sexual Harassment Behaviors

1. The following are examples of behaviors that could be considered sexual harassment:
 - a. Physical: pinching, rubbing, fondling, blocking passage, patting, touching, hugging, grabbing, assault.
 - b. Verbal: making sexual demands, sexual propositions, sexual innuendoes, sexual jokes, references to the individual's anatomy, catcalls and whistles or remarks on the intimate details of one's sex life or preferences to the victim.

NOTE: Sexual jokes or other conversation of a sexual nature not directed towards an individual, but spoken within hearing distance of that individual may also be considered sexual harassment.

- c. Visual: sexually explicit posters, graphics or objects, sexual gestures, suggestive looks, leers, gawking, undressing with the eyes.
- d. Written: notes, letters or e-mails of sexual content or proposition, sexually explicit literature, posters or poems displayed.

- 2. This list is not intended to be exhaustive, but represents many behaviors found to be in violation of the policy and/or the law. Generally the behaviors need to be repeated in order to be considered in violation of the law.

C. Employee Responsibility

- 1. Employees should conduct themselves in a businesslike manner.
- 2. If an employee believes he/she is being harassed or if he/she observes such harassment, it is the employee's responsibility to inform the alleged harasser that they are offended by their behavior and promptly notify his/her immediate supervisor or appropriate administrative authority.
- 3. If the offensive behavior reoccurs, the employee being harassed must report this allegation to his/her immediate supervisor or appropriate administrative authority.
- 4. The employee will report this allegation directly his/her immediate supervisor, Unit Manager, the Watch Commander, the Internal Affairs *Manager*, the appropriate Superintendent or the Director.

D. Supervisor's Responsibility

- 1. Supervisors must know the policy for sexual or other harassment and enforce the policy uniformly.
- 2. Supervisors must be a role model for their subordinates.
- 3. Supervisors must take all complaints of sexual or other harassment seriously and respond to complaints quickly, decisively and fairly.

4. Ensure all complaints are investigated and kept confidential.
5. Prevent harassment whenever possible. Watch for signs that a hostile environment may be developing.
6. Protect staff who have made complaints of harassment or have provided information related to such complaints from retaliation.
7. Inform Superiors/Superintendents of all allegations of sexual harassment.

E. Other Types of Harassment

1. All employees of St. Louis County are expected to treat others with dignity and respect. Harassment on the basis of race, color, religion, sex, natural origin, ancestry, age, disability/handicap condition, sexual orientation, marital status, veterans status, or any other basis protected by federal, state or local laws will not be tolerated. Any County employee engaging in harassment will be subject to appropriate disciplinary action, up to and including termination. Harassment by vendors, clients, customers and others is also prohibited.
2. Examples of harassment may include, but is not limited to:
 - a. Verbal harassment, including derogatory remarks, comments, slurs or jokes that relate to race, color religion, sex, national origin, ancestry, age, disability/handicap condition, sexual orientation, marital status or veterans status.
 - b. Visual harassment, including derogatory written words, electronic mail, markings, posters, gestures, cartoons, drawings, T-shirts, etc., that relate to race, color religion, sex, national origin, ancestry, age, disability/handicap condition, sexual orientation, marital status or veterans status.
 - c. Pranks or physical interference with normal work or movement based on an individual's race, color religion, sex, national origin, ancestry, age, disability/handicap condition, sexual orientation, marital status or veterans status.
3. If a staff member believes that he/she is being harassed or discriminated against due to race, color religion, sex, national

origin, ancestry, age, disability/handicap condition, sexual orientation, marital status or veterans status or any other basis protected by federal, state or local laws, the incident will be immediately reported to any one or more of the following: immediate supervisor or departmental director; the supervisor in charge of human resources or personnel with your department (if applicable); or the Director of Personnel. The staff member will report harassment immediately and on the first occasion it occurs. Do not wait for it to become severe or pervasive. This procedure will be used to report claims of harassment involving supervisory employees, other employees, and any other person dealt with in the workplace. After a claim is reported, an investigation will be conducted and appropriate corrective actions will be taken.

4. Employees who make complaints of harassment or assist in harassment investigations will be protected against retaliation. The harassment complaint will be kept as confidential as possible, and the staff member will not be penalized or disciplined for making such a complaint, unless such complaint is substantiated as false. Any individual who retaliates against any person making a complaint under this procedure or assisting in a harassment investigation will be subject to appropriate disciplinary action, up to and including termination.