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| 3391.00 NASSAU COUNTY SHERIFF'S OFFICE | | Reference: CFA: |
|  <p>POLICY AGAINST DISCRIMINATION, HARASSMENT, SEXUAL MISCONDUCT, AND RETALIATION</p> | | |
| Effective date: 7/21/06 | Last revision: 10/04/07; 5/19/08; 5/13/13 | |

PURPOSE: To maintain a healthy and supportive work environment and to protect and defend the safety and well being of all employees and other persons associated with Nassau County Sheriff's Office, hereinafter referred to as NCSO.

POLICY: NCSO is committed to providing a workplace free of sexual misconduct as well as discrimination, harassment based on such factors as race, color, marital status, national origin, religion, gender, ancestry, age, medical condition, disability, or veteran status. NCSO strongly disapproves of and will not tolerate discrimination or harassment of employees by supervisory staff, employees, customers, and clients or by persons associated with NCSO or retaliation against any person making a complaint of discrimination, harassment or sexual misconduct. This policy shall apply to all employees of NCSO including staff, supervisory staff, and also to all persons involved in the business or services engaged in by NCSO.

DEFINITION: Harassment includes verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment or that interferes with work performance or the function of NCSO. Some examples include racial slurs; ethnic jokes; posting of offensive statements, posters, or cartoons; or other similar conduct.

Sexual harassment or misconduct includes solicitation of sexual favors, unwelcome sexual advances or sexually oriented behavior, or other verbal, visual, or physical conduct or contact of a sexual nature. As to employees, sexual misconduct specifically includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that are a term or condition of employment. Sexual misconduct occurs: (1) when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or (2) when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment.

Discrimination includes taking action against or refusing to act with regard to an employee with respect to his or her compensation, terms, conditions, or privileges of employment based upon his or her race, color, marital status, national origin, religion, gender, ancestry, age, medical

condition, disability, or veteran status. This includes limiting, segregating or classifying employees or applicants for employment in any way which would serve to deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his or her status as an employee because of such individual's race, color, marital status, national origin, religion, gender, ancestry, age, medical condition, disability, or veteran status.

Retaliation includes action taken against any employee or other person for making a complaint of discrimination, harassment or sexual misconduct or for having testified, assisted or participated in any manner in an investigation or proceeding with regard to such a complaint. Acts of retaliation include the same types of conduct that may constitute discrimination as itemized above.

3391.10 PROHIBITED CONDUCT

Conduct deemed to be in violation of this policy includes, but is not limited to:

A. Physical assaults, such as:

1. Rape, sexual battery, molestation, or attempts to commit these assaults; and
2. Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, or brushing against another person's body.

B. Unwanted sexual advances, propositions, or other discriminatory comments, such as:

1. Gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience, race, color, marital status, national origin, religion, gender, ancestry, age, medical condition, disability, or veteran status, directed at or made in the presence of any person who indicates or has indicated in any way that such conduct in his or her presence is unwelcome;
2. Preferential treatment or promises of preferential treatment to any person for submitting to sexual conduct, including soliciting or attempting to solicit any person to engage in sexual activity for compensation or reward; and
3. Subjecting, or making threats of subjecting, a person to unwelcome sexual attention or conduct, or intentionally making performance of the person's job more difficult because of that person's sex, race, color, marital status, national origin, religion, gender, ancestry, age, medical condition, disability, or veteran status.

C. Sexual or discriminatory displays or publications anywhere in workplace, such as:

1. Displaying or bringing into the workplace pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, demeaning based upon a person's race, color, marital status, national origin, religion, gender, ancestry, age, medical condition, disability, or veteran status, or pornographic.
2. Reading or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, demeaning based upon a person's race, color, marital status, national origin, religion, gender, ancestry, age, medical condition, disability, or veteran status or pornographic; and
3. Displaying signs or other materials purporting to segregate a deputy, employee or appointee by sex, race, color, marital status, national origin, religion, gender, ancestry, age, medical condition, disability, or veteran status in any area of the workplace. Taking action against or refusing to act with regard to an employee with respect to his or her compensation, terms, conditions, or privileges of employment based upon his or her race, color, marital status, national origin, religion, gender, ancestry, age, medical condition, disability, or veteran status. This includes limiting, segregating or classifying employees or applicants for employment in any way which would serve to deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his or her status as an employee because of such individual's race, color, marital status, national origin, religion, gender, ancestry, age, medical condition, disability, or veteran status.

D. Retaliation for complaints of discrimination or harassment includes acts such as:

1. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with a person because that person has complained about or resisted harassment, discrimination, or retaliation; and
2. Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct, such as that described in any item above.

E. Other acts of sexual misconduct or discrimination:

1. The list of prohibited conduct detailed above is not to be construed as an all-inclusive list of prohibited acts under this policy.

**3391.20 REPORTING AND INVESTIGATING COMPLAINTS OF
DISCRIMINATION, HARASSMENT, SEXUAL MISCONDUCT
AND/OR RETALIATION**

Any person who believes he or she is or has been the subject of discrimination, harassment, sexual misconduct and/or retaliation should report the alleged charge immediately, in accordance with the following procedures:

A. Persons who believe they have been subjected to discrimination, harassment, sexual misconduct and/or retaliation have the right to make a complaint either in verbal or written format. Any person who observes discrimination, harassment or sexual misconduct and/or retaliation shall report this behavior as well. A person may register their complaint in the following ways:

1. Directly to an immediate supervisor
2. To the Commanding Officer of the unit involved
3. To the Internal Affairs Division

NCSO emphasizes that any person is not required to complain first to his or her supervisor if the supervisor is the individual who is discriminating against or harassing the complaining party. A discrimination, harassment, sexual misconduct, and retaliation complaint form is available to be used when reporting a complaint, but is not required.

B. Complaints may be verbal or written. After receipt of a complaint, the recipient of the complaint shall immediately notify the Sheriff. Thereafter, a written complaint setting forth the specific facts pertaining to the alleged misconduct should be completed and submitted to the Sheriff or designee. A written complaint received by any person shall be forwarded directly to the Undersheriff for further investigation.

C. A report is to then be generated by the person receiving the initial complaint, setting forth specifically any and all details of the alleged discrimination, harassment, misconduct and/or retaliation. The report should include, at a minimum, the following information:

1. Name, and position or title of complainant.
2. Name(s) and position(s) of the party or parties accused of the discrimination harassment, misconduct and/or retaliatory behavior.

3. Specific details about the exact nature of the incident, including dates, location, times of occurrence.
 4. Names of witnesses.
 5. Any additional evidence to support the allegations of discrimination, harassment, misconduct and/or retaliation.
- D. Upon receipt of a complaint of discrimination, harassment, sexual misconduct and/or retaliation, the person accused shall be told of the fact of the complaint and provided the opportunity, during the course of the investigation, to respond by providing testimony or other evidence or information to refute or explain any charges. This shall include the opportunity to identify any witnesses who might offer testimony or evidence on behalf of the accused.
- E. In the event the person accused holds a position of authority over the complaining person, the person accused or the complaining person may be reassigned until such time as the investigation is complete.
- F. After receipt of a complaint and/or report of alleged discrimination, harassment, sexual misconduct and/or retaliation, the Undersheriff is responsible for directing an investigation of the complaint. Assistance of legal counsel representing NCSO or any other person possessing expertise in conducting investigations may be enlisted throughout the investigative process. **In all cases, the Undersheriff shall determine if the complaint is forwarded to Internal Affairs.**
1. The person assigned to conduct the investigation shall thoroughly investigate the complaint using all available means possible. This shall include, but is not limited to: interviewing the complaining party and any witnesses to the alleged misconduct identified by that person or by other persons during the course of the investigation; interviewing the accused party and any witnesses to the alleged misconduct identified by that person or by other persons during the course of the investigation; locating and interviewing any persons who might have knowledge of the alleged misconduct or other circumstances pertinent to the complaint; locating and reviewing any documents or other items of physical evidence that might be pertinent to the complaint; such other steps that might tend to further the investigation and reveal the truthfulness of the allegations of the complaining party or the defenses of the accused.
 2. Interviews conducted during the course of the investigation shall be digitally recorded or stenographically recorded. Interviews may be transcribed at the

- discretion of the investigator. Digital recordings of any interviews conducted by the investigator shall be retained as a part of the investigative file, as shall all reports, summaries, notes and documents or other physical evidence obtained during the course of the investigation. Additionally, the investigator shall maintain a log of items contained in the investigative file that should also reflect the steps taken during the course of the investigation. All persons being interviewed shall be placed under oath or affirmation to be truthful.
3. Employees of NCSO may be compelled to provide testimony as a part of any such investigation, unless such testimony might serve to criminally incriminate the employee whose testimony is to be compelled.
 4. In the event it becomes known that law enforcement authorities are investigating the misconduct alleged by the complaining party, any investigation being conducted under the authority of NCSO may be stayed pending resolution of the investigation by law enforcement authorities.
- G.** The person directing the investigation is responsible for ensuring that information concerning the investigation, and/or the parties involved in the investigation, is disclosed only to those persons who have an immediate need to know. The press or other members of the public will not be notified and if questions are asked, they will be referred to the Undersheriff. All persons receiving complaints of sexual misconduct or abuse, or involved in the investigation of such complaints, shall comply with all provisions of state and federal law regarding confidentiality or privilege. However, all persons shall cooperate fully with any law enforcement agencies investigating complaints of unlawful conduct or any other state or federal agency authorized to conduct investigations of conduct prohibited by state or federal law.
- H.** All complaints of discrimination, harassment, sexual misconduct and/or retaliation shall be expeditiously investigated. The investigator, at the culmination of his or her investigation, will produce a written report, which shall immediately be provided to the person directing the investigation. For those persons entitled to the rights and privileges of section 112.532 and 112.533, Fla. Stat., those statutes shall be complied with.
- I.** The complainant and accused shall have the right to review any report generated by the investigator, along with the investigative file. Regardless of disposition, all reports and investigative files shall be retained, but shall not be available for public inspection unless otherwise provided by law. To the extent such reports and related

documentation constitutes a public record under Florida law, the terms of Chapter 119, Fla. Stat. shall be complied with.

- J. Based upon the investigation, the person directing the investigation shall be empowered to recommend one of the following dispositions:
 - 1. Sustained
 - 2. Not sustained (un-substantiated).
 - 3. Unfounded
- K. All parties involved in any way in an investigation, whether it be the complainant, the target of the complaint or any individual who has provided evidence in connection with a complaint are entitled to be treated with respect and be free from retaliation or reprisal from any person.

3391.40 REMEDIAL ACTIONS

- A. If the complaint is sustained as to any employee, discipline shall be imposed. Disciplinary action for a violation of this policy can range from verbal or written warnings up to and including immediate termination, depending upon the circumstances, the severity of the conduct, the existence of prior complaints of misconduct or such other factors bearing upon the employment relationship. If the complaint is sustained as to a non-employee, appropriate action shall be taken to prevent further incidents of discrimination, harassment, sexual misconduct and/or retaliation including, but not limited to, counseling or prohibiting that person from being involved in a situation that might allow the offending conduct to reoccur.
- B. Regardless of if the complaint is sustained or whether discipline or other remedial action is required, if appropriate, counseling or other training may be required if circumstances uncovered during the investigation indicate a need for such action.

3391.50 POSTING/DISTRIBUTION:

- A. Notice of the existence of this policy shall be prominently displayed at locations at NCSO where employees, patrons, customers, clients or persons frequenting the premises of NCSO can observe the notice. The notice shall include a brief summary of this policy and identify the location where the complete text of the policy can be reviewed or obtained. The policy itself shall be available for inspection or copying by any employee of NCSO during regular business hours or at such other times as are mutually convenient to the Human Resources Office and the person wishing to review

or copy the policy. The policy may also be obtained by logging into the intranet site for the operational directives. All employees of NCSO shall be provided access to this policy, be required to read this policy and attest to their review of the policy.

ISSUING AUTHORITY:



Bill Leeper, Sheriff

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