
Purpose

Discrimination and/or harassment, based on age, ancestry, citizenship, color, creed, marital status, mental or physical disability, national origin, pregnancy, race, religion, sex, sexual orientation, gender identity or expression, or union membership in the work place is prohibited by one or more of: Title VII of the Civil Rights Act of 1964, As Amended, Americans with Disabilities Act, Age Discrimination in Employment Act, Equal Pay Act of 1963, Annotated Code of Maryland, Cecil County Policies and Procedures and the Equal Employment Opportunity Commission (EEOC) Policy Guidance on Sexual Harassment.

The policies and procedures contained in this chapter shall apply to all employee-to-employee and employee-to-citizen contacts as listed in Procedures; subsection 2 (a), (b) and (c).

Policy

It is the policy of the Cecil County Sheriff's Office to establish procedures to ensure that employees conduct themselves in a professional and pleasant manner, free from offending co-workers. The Sheriff's Office and Cecil County Government have a zero tolerance policy of harassment and are committed to the prompt investigation of all harassment complaints, including sexual harassment or any form of retaliation against an employee who has either complained about or cooperated in an investigation of alleged harassment or discrimination.

Definitions

- A. Discrimination includes those acts prohibited by State and Federal law. It may include but is not limited to discrimination based on:
 - 1. All forms of illegal prejudice
 - 2. Expressions of racial/ethnic/religious insults and epithets
 - 3. Gender based derogatory comments
 - 4. Sexual harassment
 - 5. Retaliation against a complainant for filing a complaint of discrimination

- B. Harass on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her age, ancestry, citizenship, color, creed, gender identity/expression, marital status, mental or physical disability, national origin, pregnancy, race, religion, sex or sexual orientation, union membership

or any other legally protected characteristic or that of his/her relatives, friends or associates, and that a) has the purpose or effect of creating an intimidating, hostile or offensive work environment; b) has the purpose or effect of unreasonably interfering with an individual's work performance; or c) otherwise adversely affects an individual's employment opportunities.

C. Retaliation for engaging in protected activity is strictly prohibited. No action shall be taken against an employee because he/she has opposed any unlawful employment practice or because he/she has made a charge, testified, assisted or participated in any manner with or in an investigation, proceeding or hearing.

D. Sexual Harassment

- I. Sexual harassment means unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:
 - a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment
 - b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - c) Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment
- II. Sexual harassment is an infringement of an employee's right to work in an environment free from unwanted sexual attention and sexual pressure of any kind.
- III. Sexual demands in the work place, especially between a supervisor and a subordinate may sometimes threaten a person's economic livelihood and create an atmosphere that is not conducive to maximum productivity.
- IV. Sexual harassment need not necessarily involve a male supervisor and a female subordinate. It may also apply in reverse. Pressure can be directed by a person of either sex against a person of the opposite or same sex or from a co-worker or a supervisor.
- V. The victim need not be the person harassed but could be anyone affected by the offensive conduct.
- VI. The following is a partial list of the types of activities which could be considered sexual harassment depending on the facts and circumstances but is not limited to:
 - a) Unwanted or offensive physical touching

- b) “Off Color” jokes
- c) Unwanted, unwelcome and unsolicited propositions
- d) Offensive language
- e) Holding up to ridicule a member of one sex to others
- f) Placement of sexually explicit material in work areas, desks, etc.
- g) Notes and other messages either signed or anonymously placed on bulletin boards, in lockers, in desks, etc.
- h) Required wearing of particular types of clothing or the inference that wearing particular types of apparel will enhance one’s career
- i) Attempting transfer, demotion, dismissal, etc. after refusing or resisting sexual advances
- j) Requesting or ordering employees to perform tasks which are not part of their job specifications, such as:
 - i. Making coffee
 - ii. Obtaining lunch
 - iii. Doing personal shopping for supervisors
- k) Demeaning comments or actions
- l) Unwanted, unwarranted and unsolicited advances, on or off duty, when such action relates to the employee-employer relationship
- m) Non-verbal suggestive or insulting noises, leers, whistles or gestures

Procedures

- A. A policy of fair practices supports the Cecil County Sheriff’s Office belief that employees must treat each other with mutual trust, respect, fairness and dignity. The strength of the Cecil County Sheriff’s Office in accomplishing its mission depends on the ability of its employees to communicate and function effectively. A work environment that nourishes respect and fairness among co-workers enhances morale and encourages similar relationships with the public.
- B. Incidents of sexual harassment, discrimination, and/or harassment based on age, ancestry, color, creed, marital status, mental or physical disability, national origin, race, religious affiliation belief or opinion, sex, sexual orientation, gender identity or expression, or any other non-merit factor are prohibited. This policy shall apply in all situations where personnel/employees interact with others, and:
 - 1. The employee is acting as a representative of the Cecil County Sheriff’s Office.
 - 2. The employee is on duty or during work hours; or
 - 3. Where the individual’s actions or comments may be interpreted as those of a Cecil County Sheriff’s Office employee or the Cecil County Sheriff’s Office itself; or

4. The individual can be identified as a Cecil County Sheriff's Office employee.
- C. Any form of retaliation for reporting discrimination, harassment or gender bias will not be tolerated. Threats or acts of retaliation against witnesses reporting, testifying or supporting a complaint of discrimination, harassment or gender bias are prohibited. Violations will result in disciplinary action as appropriate, which may include termination.
 - D. This policy shall apply in all matters of employee relations, including, but not limited to; opportunities for employment, promotion, transfer, compensation, benefits, education and training; supervision; performance appraisals; internal investigations; and the processes for discipline, demotion and termination.
 - E. Victims and/or persons who have knowledge of an instance of real or perceived discrimination, harassment or sexual harassment incident/situation should immediately report it pursuant to the procedures set forth in this policy.

Responsibilities

Persons in authority, e.g. supervisors, commanders, etc. who have knowledge of a discrimination, harassment, or sexual harassment incident/situation will initiate action to ensure that the appropriate actions relative to such an incident are taken. Failure to take the appropriate actions will result in disciplinary action.

A. Reporting Discrimination and/or Harassment Situations

- I. Any employee, who is subjected to, witnesses or learns of incidents of alleged discrimination, harassment and/or retaliation shall promptly report it utilizing CCSO Form SO-056 (Discrimination-Harassment Incident Report).
- II. An employee subjected to, or having knowledge of a suspected harassment situation have the responsibility to inform the offender and make it understood that the behavior(s) or activities are considered to be a form of harassment, and are unwanted and must cease. If resolved satisfactorily, no further action is necessary.
- III. If the circumstances are such that direct confrontation with the alleged offender would further aggravate the situation, the incident may be reported by the employee directly to the Director of Human Resources.
- IV. In addition to reporting the incident to the Director of Human Resources, the aggrieved employee may report the incident to the offender's supervisor or the aggrieved employee's supervisor.

B. Processing Complaints of Discrimination, Harassment and/or Retaliation

- I. All complaints brought to the attention of a supervisor will be appropriately documented utilizing CCSO Form SO-056 (Discrimination-Harassment Incident Report) and filed according to procedures contained in the Cecil County Sheriff's Office Policy and Procedure Manual, Chapter 2, Code of Conduct. When a complaint of discrimination, harassment, sexual harassment and/or retaliation is made, the Director of Law Enforcement shall:
 - i. Notify the County Government Director of Human Resources and will review the proper reporting procedure with the aggrieved employee and the accused employee's supervisor.
 - ii. Have an obligation to make an immediate preliminary inquiry (in no case greater than 10 working days) when there are reports of discrimination, harassment and/or sexual harassment. If the behavior constitutes discrimination, harassment and/or sexual harassment or other serious misconduct, the Director of Law Enforcement will assure that an investigation is conducted and, if appropriate, disciplinary actions are taken as provided in the Cecil County Sheriff's Office Policy and Procedure Manual Code.
 - iii. Will assure that supervisory contact with the accused is made to prevent a potential continuing course of unwanted conduct. During this contact the supervisor will:
 - a) Advise the accused that if the alleged conduct/behavior is occurring, that it is not appropriate and must cease immediately.
 - b) Caution the accused against retaliatory acts.
 - iv. Will monitor personnel affected by the investigation to prevent continuation of the conduct in question, or retaliation for actions taken to resolve it.
 - v. Will maintain personal contact with the victim to alleviate fear and to assure that everything possible is being done to resolve the complaint.
 - vi. Will contact the victim at frequent intervals (no greater than 15 days) to inform of case progress and upon completion of the investigation, its disposition.
 - vii. After disposition, will make follow-up contact with the victim within 60 days to ensure that there has not been continuation of improper conduct, threats of retaliation or retaliation.

- viii. Employees who fail to follow these guidelines will be subject to disciplinary action.

C. Complaints of Discrimination and/or Harassment from Non-Cecil County Sheriff's Office Employees

All complaints against personnel from Non-Cecil County Sheriff's Office employees which originate from situations listed in Procedures; Subsection B (1-4) of this subsection shall be investigated.

- I. Complaints against sworn personnel will be processed under procedures listed in Cecil County Sheriff's Office Policy and Procedure Manual, Chapter 2, Code of Conduct and consistent with this section.
- II. Complaints against civilian personnel will be processed under the procedures listed in the Cecil County Human Resources Policies and Procedures Manual and Policy and Procedure Manual Chapter 2, Code of Conduct and consistent with this section.

D. Silent Whistle Program

Sheriff's Office personnel/employees have available to them and may utilize the Cecil County Silent Whistle Program, handled through a third party in order to confidentially report business abuse and or dishonesty, communicate ideas, suggestions, questions and concerns to management. The Silent Whistle Program can be accessed by Cecil County employees at any time via the internet by logging on to <http://ccgov.silentwhistle.com> or by telephone calling 1-877-874-8416.