



# Grant Parish Sheriff's Office

## Policies and Procedures

<i>Article 31</i>	Effective Date: <b>1/1/2019</b>
<b>Sexual Harassment</b>	<hr/> By order of Steven McCain, Sheriff

### PURPOSE

The purpose of this policy is to provide uniform guidance and procedures regarding sexual harassment in conformity with applicable federal, state, and local laws. This policy demonstrates the Sheriff's commitment to compliance with the law concerning sexual harassment, establishes a process for the handling of sexual harassment complaints, and responds to the potential impact of sexual harassment on absenteeism, productivity, and turnover.

### SCOPE

This order shall apply to all Grant Parish Sheriff's Office members.

### DISCUSSION

This order has been written to inform Members of the definition of sexual harassment as well as procedures for reporting and resolving complaints of sexual harassment.

### POLICY

It is the policy of the Grant Parish Sheriff's Office to prohibit any form of sexual harassment of or by Sheriff's Office Members.

### DEFINITIONS:

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**SEXUAL HARASSMENT** - Unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature constitute sexual harassment. The sexual favors sought need not be for the person requesting the favors. Sexual harassment may take either of two forms: 1) "Quid Pro Quo" (this in exchange for that) harassment by a supervisor or other deputy of greater rank, or 2) "hostile environment" sexual harassment. Both forms of sexual harassment are equally prohibited by this policy.

**QUID PRO QUO HARASSMENT** - Takes place when something is given or received for sexual favors between a Member and a supervisor. Additionally, Quid Pro Quo is when submission to, or rejection of sexual advances is used as a basis for employment decisions such as promotions, pay increases, or performance evaluations. This conduct is unlawful and prohibited by this policy.



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**HOSTILE ENVIRONMENT SEXUAL HARASSMENT** - takes place when such conduct, whether committed by a supervisor or non-supervisor, has the effect of unreasonably interfering with a Member's work performance or creates an intimidating hostile or offensive work environment. This conduct is also prohibited both by law and this policy.

Examples of prohibited conduct include, but are not limited to, sexual advances or propositions, repeated offensive sexual flirtations, continued or repeated comments about a person's body or any parts thereof, sexually offensive language or jokes, and display at work of sexually suggestive pictures or objects.

### PROCEDURE:

#### I. COMPLAINTS – ALLEGED HARASSMENT BY MEMBERS

- a. Members who believe they have been sexually harassed by a Member of the Sheriff's Office should tell the person or persons harassing them that their behavior is offensive and must stop. The problem should be immediately reported to their direct supervisors. However, if the immediate supervisor is the person directly or indirectly responsible for the harassment, the Member should instead report the problem to the Chief Deputy or Designee. In the rare event that all site Members are involved, the Member may bring the matter directly to the attention of the Sheriff.
- b. All complaints of sexual harassment will be investigated in a timely and responsible manner. To the extent possible, consistent with a thorough investigation, the information supplied by the complainant will be held confidential, except when released due to legal compulsion. Nothing herein shall prohibit the Sheriff from exercising discretion in disclosing any material or statements obtained from the complainant, witnesses or the accused, to any court, board, or Organization, or from waiving any privilege to which the Sheriff is entitled. All witnesses and those interviewed during the investigation will be required to treat the matter as confidential. The purpose of confidentiality shall be to protect, to the extent practicable, both the complainant and the accused.



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- c. Investigation of sexual harassment complaints will be carried out in a serious manner and will, whenever practicable, include interviewing the complainant and relevant witnesses and the accused. Members are to cooperate fully in such investigations. Members who file a complaint or participate in investigations shall be protected from any form of retaliation arising out of the filing of the complaint or participation in the investigation.
- d. Any Member who impedes any investigation covers up the truth of the matter, or retaliates against a complainant shall be subject to disciplinary action, which may include discharge.
- e. When a member who is lodging a complaint puts forward a reasonable claim of fear of physical harm, to the extent practicable, immediate steps will be taken to separate or protect the Member from the alleged harasser. The burden of transfer shall not automatically be assigned to either the complainant or the alleged harasser but shall be determined in light of the circumstances involved.
- f. If a Member complains of a sexual assault that may constitute a crime, the matter shall immediately be brought to the attention of the Chief Deputy or Designee.
- g. If at the completion of the investigation, the complaint appears to be valid and supported by the evidence, appropriate disciplinary action (which may include discharge) designed to halt the harassment or prevent any recurrence will be taken.
- h. Until the investigation is complete, a decision is reached, and all internal appeals exhausted, temporary measures such as suspension or transfer may be utilized. Because it is the Sheriff's policy to encourage Members to come forward when they believe they have been sexually harassed, a lack of evidence or a complaint that is not sustained will not result in disciplinary actions towards the complainant. However, if the evidence indicates that the complaint is entirely false and motivated by malice, the Member who made the accusation shall be subject to disciplinary action, which may include discharge and/or criminal



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charges, and such disciplinary action shall not be considered retaliation for the filing of the complaint.

### II. COMPLAINTS – ALLEGED HARASSMENT BY INMATES

- a. Sexual harassment by inmates of Members shall be treated as a disciplinary infraction and shall be subject to investigation and punishment according to the rules and procedures governing inmate behavior and discipline.
- b. Members who are the subject of or who observe acts of harassment by inmates shall report the infraction according to the disciplinary procedures of the facility.

### III. COMPLAINTS – ALLEGED HARASSMENT OF INMATES

- a. Sexual harassment of inmates is governed by the Prison Rape Elimination Act (PREA) and includes:
  - i. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive nature by one inmate, detainee, or resident directed toward another.
  - ii. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- b. Inmates may file a formal grievance, informally contact correctional staff or others within the facility, or contact a third party crisis line to report acts of sexual harassment.

### IV. COMPLAINTS – THIRD PARTIES THAT ENGAGE IN HARASSMENT



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- a. Harassment of or by third parties such as vendors, visitors, etc. who are neither Members nor inmates, will not be tolerated and shall be subject to investigation and appropriate corrective measures.
- b. Members who are subjected to or who observe acts of harassment committed by third persons shall report the incident(s) immediately to a Supervisor in the facility where such acts were observed.

### V. RESPONSIBILITIES

- a. All Members will be held responsible and accountable for complying with this policy.
- b. All Members are expected to make a conscious effort to avoid any speech or conduct that may be perceived as sexual harassment.
- c. Members who observe sexual harassment should;
  - i. Tell the offender to stop;
  - ii. Support the victim;
  - iii. Document their observations as specifically as possible; and
  - iv. Discuss the problem with their supervisors.
- d. All Members and supervisors are assigned the responsibility for implementing this policy, ensuring compliance with and knowledge of its terms, and for taking immediate and appropriate corrective action where warranted.
- e. Supervisors must open and maintain communications channels to permit Members to raise concerns about sexual harassment without fear of retaliation; stop any observed sexual harassment, and treat sexual harassment matters with sensitivity, confidentiality, and objectiveness. A supervisor's failure to carry out



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these responsibilities may be reflected in the supervisor's performance review, salary adjustment, or may result in discipline or discharge.

- f. Administration of the complaint procedure and the carrying out of timely and thorough investigations are assigned to the Chief Deputy or Designee.
- g. All investigations and internal and external reports shall be subject to the supervision and advice of the Chief Deputy.
- h. Persons accepting complaints are responsible for making timely reports to the Chief Deputy of the filing of complaints and the results of investigations.
- i. This policy will be posted at each Grant Parish Sheriff's Office site and every Member has a responsibility to personally read and understand the policy.
- j. Members shall receive training to educate and sensitize all supervisory and non-supervisory Members regarding this policy, and shall audit all investigations for consistency and effectiveness in the administration of disciplinary action.
- k. All Members are responsible for completing annual training regarding sexual harassment.

### VI. MANDATORY REPORTS

- a. Pursuant to La. R.S. 42:344, a report shall be compiled for the previous calendar year, capturing the following information:
  - i. The number and percentage of Grant Parish Sheriff's Office Members who completed sexual harassment training;
  - ii. The number of sexual harassment complaints received by the Organization;



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- iii. The number of complaints which resulted in a finding that sexual harassment occurred;
  - iv. The number of complaints in which the finding of sexual harassment resulted in discipline or corrective action; and
  - v. The amount of time it took to resolve each complaint.
- b. This report is made available to the public as called for in La. R.S. 44.31.