

Oakland County Sheriff's Office
General Order # 1.8



SUBJECT: Unlawful Workplace Harassment		NUMBER: 1.8
EFFECTIVE DATE: 1/13/2023 REVIEW DATE: Annually	MACP Standard Impact: 1.5.5	
REPLACES AND RESCINDS: N/A	DISTRIBUTION: All Personnel	NUMBER OF PAGES: 4

This order replaces and rescinds all previously issued orders, procedures, rules and regulations, notices and/or practices in conflict with this General Order.

I. PURPOSE

It is the policy of the Oakland County Sheriff's Office that all employees have the right to work in an environment free from all forms of discrimination and harassment, including sexual harassment. The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating and resolving complaints of harassment and discrimination.

II. POLICY

- A. The Oakland County Sheriff's Office prohibits any form of harassment directed at employees based on their race, color, sex, sexual orientation, gender identity, religion, national origin, handicap, weight, arrest record, United States veteran status, marital status or membership in another legally protected group.
- B. This General Order shall apply to all employment practices, including but not limited to recruiting, conditions of employment, hiring, pay and termination.
- C. The Oakland County Sheriff's Office will not tolerate, condone or allow unlawful discrimination or harassment by employees, volunteers or individuals who conduct business with this agency.
- D. The Oakland County Sheriff's Office considers harassment and discrimination a form of serious employee misconduct. Therefore, the agency shall take direct and immediate action to prevent such behavior and will investigate and remedy all reported instances of harassment and discrimination.
- E. A violation of this General Order can lead to discipline up to and including termination. All complaints of unlawful workplace harassment, sexual harassment and discrimination will be investigated as required by Sheriff's Office policy and applicable law. **(MACP Standard 1.5.5e)**

III. PROCEDURES

A. Prohibited Activity

- 1. No employee shall explicitly or implicitly ridicule, mock, deride or belittle any person.

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2. Offensive or derogatory comments, joking remarks, stories, nicknames or other abusive conduct directed at employees based on their race, color, sex, gender identity, religion, national origin, age, handicap, height, weight, arrest record, United States veteran status, marital status or membership in another legally protected group is prohibited. Such harassment is prohibited under state and federal employment laws and is also considered misconduct subject to disciplinary action by the Sheriff's Office, up to and including discharge.
3. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when [MCL 37.2103]:
 - a. submission to such conduct is a term or condition of employment, either implicitly or explicitly.
 - b. submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee.
 - c. such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.
4. Individuals covered under the policy include agency members, defined as employees and applicants for employment with the agency, whether sworn, civilian or volunteers and individuals who conduct business with this agency.

B. Employee Responsibilities

1. Each supervisor shall be responsible for preventing acts of discrimination and harassment. This responsibility includes:
 - a. daily monitoring of work environment for signs of discrimination or harassment.
 - b. counseling employees on prohibited behavior, agency procedures for reporting prohibited behavior and resolving complaints of discrimination and harassment.
 - c. stopping any observed acts that may be considered discrimination or harassment, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision.
 - d. taking immediate action to prevent retaliation towards the complaining party and to eliminate the hostile work environment where there has been a complaint of discrimination or harassment, pending investigation.
 - i. If a situation requires separation of the parties, care shall be taken to avoid actions that appear to punish the complainant.
 - ii. Transfer or reassignment of any of the parties involved shall be voluntary, if possible; if non-voluntary the transfer shall be temporary, pending the outcome of the investigation.
 - e. Failure to carry out these responsibilities will be considered grounds for discipline, up to and including discharge.
2. Each supervisor has the responsibility to assist any employee of this agency who complains of harassment or discrimination in documenting and filing a complaint within the Sheriff's Office or directly to the attention of the Chief Diversity, Equality and Inclusion Officer, and the Labor Relations Unit of the Oakland County Human Resources Department.
3. Each employee of this agency is responsible for assisting in the prevention of harassment or discrimination through the following acts: **(MACP Standard 1.5.5d)**
 - a. Refraining from participation in, or encouragement of, actions that could be

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- perceived as discrimination or harassment
 - b. Reporting acts of discrimination or harassment to a supervisor, regardless of whether or not they are one of the involved parties
 - c. Encouraging any employee, who confides that he/she is being harassed or discriminated against, to report these acts to a supervisor
 - d. Refraining from dating or having a personal or sexual relationship with subordinates or with individuals an employee has authority to direct
4. Failure to carry out the above responsibilities will be considered and may be grounds for discipline, up to and including discharge.

C. Complaint Procedures

1. Any employee encountering harassment or discrimination shall be encouraged to inform the person that his/her actions are unwelcome and offensive. The employee must document all incidents of harassment or discrimination to provide the fullest basis for investigation.
2. Any employee who believes that he/she is being harassed or discriminated against shall immediately report the incident(s) to his/her supervisor. Immediate steps shall be taken to protect the employee from further harassment or discrimination, and appropriate investigative and disciplinary measures shall be initiated. Any employee who is uncomfortable bringing such a matter to the immediate attention of his/her supervisor or is not satisfied after bringing the matter to the attention of his/her supervisor, should report the matter to another supervisor, any Division Commander, or the Office of the Sheriff. In the event the Actor is the Sheriff, the employee shall report the matter to the Chief Diversity, Equality and Inclusion Officer and the Labor Relations Unit of the Oakland County Human Resources Department. **(MACP Standard 1.5.5 a,b,c)**
 - a. The supervisor or person to whom a complaint is given shall meet with the employee and document the incident(s), the person(s) performing or participating in the discrimination or harassment, any witnesses to the incident(s) and the date(s) on which the incident(s) occurred.
 - b. The employee taking the complaint shall promptly submit a confidential memorandum documenting the complaint to the Division Commander of the complainant.
3. The Division Commander shall be responsible for promptly investigating any complaint alleging harassment or discrimination.
 - a. The Division Commander shall immediately notify the Sheriff, or his designee, if the complaint contains evidence of criminal activity.
 - b. The investigator shall include a determination as to whether other employees are being harassed by the person and whether other agency members have participated in or encouraged the discrimination or harassment.
 - c. The Office of the Sheriff shall inform the parties involved of the outcome of the investigation.
 - d. A file of harassment and discrimination complaints shall be maintained in a secure location in the Investigative and Forensic Service Division / Special Investigations Unit.
4. The complaining party's confidentiality will be maintained throughout the investigatory process, to the extent that is practical and appropriate under the circumstances.

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D. Retaliation

1. Retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint, is illegal and is prohibited by this agency and by federal statutes.
2. Retaliation is a form of employee misconduct and will result in discipline up to and including discharge. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints.
3. It is the responsibility of the Office of the Sheriff and all command staff members to ensure that retaliation does not occur.



ISSUED BY: Sheriff Michael J. Bouchard