



Kern County Sheriff's Office
Policies and Procedures

TITLE: RULES OF CONDUCT – DISCRIMINATION/HARASSMENT		NO: C-300	
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: August 1, 1990	REVIEWED: 08/03/2023	REVISED: 07/23/2018	UPDATED: 08/03/2023

POLICY

It is the policy of the Kern County Sheriff's Office to provide a workplace free from unlawful discrimination and/or discriminatory harassment. "Unlawful discrimination" is discrimination based on the person's race, religious creed, color, national origin, ancestry, physical disability, mental disability, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Employee conduct, whether intentional or not, that results in discrimination or harassment of other employees, is illegal and will not be tolerated. All supervisory and command staff shall ensure that no employee is subjected to discrimination or harassment.

It shall also be the policy of the Sheriff's Office that all citizens contacted will be treated equally regardless of the person's race, religious creed, color, national origin, ancestry, sex, age, physical disability, ability, mental disability, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

References to any individual or group in a derogatory manner based on the above will not be tolerated. Retaliation against individuals who report unlawful discrimination or harassment will also not be tolerated. Supervisors and command personnel are to ensure strict compliance with this policy.

TYPES OF UNLAWFUL DISCRIMINATION / HARASSMENT

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

- Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment, or;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decision affecting such individual, or;
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Examples include, but are not limited to:

- Direct or indirect pressure for dates and/or sexual activity;
- Pinching or patting;
- Leering/Gawking;
- Sexual Jokes or Cartoons, etcetera;
- Verbal comments;
- Posting of sexually graphic material;
- Telling of sexually oriented jokes perceived by the listener as offensive.

Discriminatory Harassment: Actions or words that are derogatory, demeaning or disrespectful regarding a person’s race, religious creed, color, national origin, ancestry, physical disability, mental disability, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.

Examples include, but are not limited to:

- Racial jokes or cartoons;
- Offensive reference to disabilities;
- Derogatory remarks regarding a particular religion.

PROCEDURE A: REPORTING DISCRIMINATION OR HARASSMENT

Individuals who believe that they have been the victim of any form of discrimination or discriminatory harassment are encouraged to:

- Tell the harasser that such behavior is unwelcome;
- A failure to tell the harasser does not preclude the offended employee from reporting the incident, nor does it exonerate the harasser;
- Report the incident or behavior to their immediate supervisor (or to the next superior officer in their chain of command if the harasser is the immediate supervisor, or any other ranking officer within the Sheriff’s Office).

Individuals who witness any form of discrimination or discriminatory harassment are encouraged to:

- Report the behavior to their immediate supervisor (or to the next superior officer in their chain of command if the harasser is the immediate supervisor, or any other ranking officer within the Sheriff’s Office).

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Victims or witnesses of any form of discrimination or discriminatory harassment are encouraged to report the incident to the Sheriff's Office. However, a witness to or victim of harassment may bypass departmental reporting procedures without fear of reprisal and instead report the incident directly to:

- The Kern County Personnel Department, Equal Employment Opportunity Officer;
- The California Department of Fair Housing and Employment;
- The United States Equal Employment Opportunity Commission.

Any supervisor or superior officer receiving a complaint of discrimination or discriminatory harassment will:

- Listen to the complaint;
- Treat the complaint seriously;
- Refrain from minimizing the complaint or from discouraging the employee from reporting the incident;
- Record and document the complaint;
- Submit a complete report of the complaint in memo form to the Sheriff-Coroner via chain of command. (If the harasser is the immediate superior of the party receiving the complaint, the report shall be forwarded to the next superior officer in the receiving party's chain of command.)

The Sheriff-Coroner will:

- Direct an Internal Affairs investigation into the incident.

The Internal Affairs Investigator will:

- Upon being assigned a discrimination or discriminatory harassment investigation, immediately contact the complaining employee and provide them with a complete copy of Civil Service Rule 1800. The employee shall sign and acknowledge receipt of the copy of Rule 1800. This receipt is to be kept with the investigation case file.
- Report the discrimination or discriminatory harassment to Peace Officers Standards and Training (POST) if the behavior falls within the definition of "Demonstrating Bias" which is defined in Penal Code § 13510.8(b)(5).

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PROCEDURE B: POLICY DISTRIBUTION

Section 420.3 of the County Administrative Manual requires that all new employees be given a copy of the County Sexual Harassment Policy at the time of hire. It also requires that a copy of the policy be given to each employee annually. In all cases employees are to sign an Acknowledgement of Receipt form each time they are provided a copy of the policy.

In compliance with County Policy, the following procedures will be followed:

Sheriff's Human Resources Section Clerical Staff:

At the time of hiring any regular, extra help or contract employee, the Sheriff's Personnel Employee Benefits Clerk will give the new employee the following documents:

- A copy of the County Sexual Harassment Policy from the County Administrative Manual, Section 420.
- A copy of the Sheriff's Office Discrimination / Harassment Policy (DPPM C-300).

At that time, the clerk will have the new employee sign an Acknowledgement of Receipt form and place the form in the employee's Sheriff Office personnel file.

The Human Resources Section clerk sending out annual Employee Performance Reports (EPR) will attach to each EPR a copy of the County Sexual Harassment Policy, a copy of the Sheriff's Office Discrimination / Harassment Policy, and a blank Acknowledgement of Receipt form. The EPR and attachments will be routed to the employee's division supervisor.

Supervisor:

During the performance review, the supervisor will give the employee the listed policies. The supervisor will have the employee sign the Acknowledgment of Receipt form, attach it to the EPR, and route them back to the Sheriff's Human Resources Section.

Sheriff's Human Resources Clerical Staff:

The Human Resources clerk will file a copy of the EPR and the original Acknowledgement of Receipt form in the employee's personnel file.

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