



OFFICE OF THE COUNTY SHERIFF  
Montgomery County, Maryland  
Darren M. Popkin, Sheriff



ADMINISTRATIVE DIRECTIVES

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Discrimination/Harassment	1.06	08/26/15

**Purpose:** The purpose of this directive is to guide supervisors and employees in maintaining an effective work environment free from discriminatory policies or preferential practices based on sex, age, race, color, national origin, ancestry, religion, marital status, political affiliation, disability, genetic status, sexual orientation, or family responsibility and free from sexual harassment. This directive provides references for the appropriate redress of discriminatory or harassing occurrences.

**Policy:** It is the policy of the Montgomery County Sheriff's Office not to tolerate discrimination or sexual harassment. Discrimination, on all levels and in all aspects of employment, on the basis of sex, age, race, color, national origin, ancestry, religion, marital status, political affiliation, disability, genetic status, ***gender identity***, sexual orientation or family responsibility, is prohibited by County, State, and Federal law. Sexual harassment is considered a form of sex discrimination under the same County, State, and Federal laws. (26.1.3)

**Contents:**

- I. Discrimination
- II. Harassment
- III. Retaliation
- IV. Procedures for Complaints
- V. Supervisor's/Manager's Responsibility
- VI. CALEA Standards
- VII. Cancellation

**I. Discrimination**

A. Discrimination is defined as any practice, policy, or procedure that limits or adversely affects employment or other working conditions on the basis of:

- (1) age;
- (2) sex;
- (3) race;
- (4) color;
- (5) national origin;
- (6) ancestry;

- (7) religion;
- (8) marital status;
- (9) political affiliation;
- (10) disability;
- (11) genetic status;
- (12) *gender identity*;
- (13) sexual orientation; or
- (14) family responsibility.

This includes advertising, recruitment, referrals, testing, hiring, assignment, transfer, promotion, training, apprenticeship, disciplinary action, layoff and recall, termination, compensation, benefits, and all other terms, conditions, and privileges of employment.

## II. Harassment

A. Harassment is the inappropriate written, verbal or physical conduct, including the dissemination or display of written or graphic material, based on one's:

- (1) sex;
- (2) age;
- (3) race;
- (4) color;
- (5) national origin;
- (6) ancestry;
- (7) religion;
- (8) marital status;
- (9) political affiliation;
- (10) disability;
- (11) genetic status;
- (12) *gender identity*;
- (13) sexual orientation; or
- (14) family responsibility; that

unreasonably interferes with one's work performance or creates an intimidating, hostile, or offensive working environment.

- B. 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. Pressure may come from a person of either sex against a person of the opposite or same sex. Pressure may come from peers or the public as well as from supervisors. Sexual harassment may include:
- (1) unwelcome sexual advances;
  - (2) unwelcome requests for physical conduct of a sexual nature; or
  - (3) written, verbal, or physical conduct of a sexual nature or conduct based on one's gender, including gender stereotyping or animus; when
    - (a) submission to the conduct is explicitly or implicitly a term or condition of an individual's employment;
    - (b) submission to or rejection of the conduct by an individual is a basis for employment decisions affecting the individual; or
    - (c) the conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.
- C. It is also prohibited for employees to be given preferential treatment in reward for granting sexual favors.

### **III. Retaliation**

- A. Retaliation is a form of sanction, reprisal, or adverse treatment against an individual or groups of individuals for:
- (1) having opposed discriminatory practices; or
  - (2) having asserted or assisted another person in asserting a discrimination complaint in either a formal or informal manner with the County or with a State or Federal enforcement agency; or
  - (3) having participated or assisted in any way in a charge, testified, assisted, or participated in an investigation or proceeding related to a discrimination complaint.
- B. Any form of retaliation is strictly prohibited.

### **IV. Procedures for Complaints (26.1.3)**

An employee who feels that they have not been afforded equal opportunity for promotion, transfer, or other term or condition of employment, or who has been subjected to any form of harassment, is entitled to use all of the following procedures and references for registering complaints and seeking remedies.

- A. The following offices or individuals provide information and receive complaints on issues involving discrimination and sexual harassment
- (1) Montgomery County Sheriff's Office, *Office of Professional Responsibility*.
  - (2) Montgomery County Sheriff's Office, Assistant Sheriff.
  - (3) Montgomery County Office of Human Resources, Equal Employment Opportunity Officer.
  - (4) Office of the County Attorney
  - (5) Montgomery County Commission for Women.
  - (6) Montgomery County Human Relations Commission.
  - (7) Maryland Commission on Human Relations.
  - (8) U.S. Equal Employment Opportunity Commission.
- B. Employees are advised that pursuant to current Montgomery County policy, an employee who elects to file the initial complaint with the Maryland Commission on Human Relations or the U.S. Equal Employment Opportunity Commission may be precluded from later filing with the Montgomery County Human Relations Commission or Sheriff's Office. This policy may require an employee electing to pursue local, State and/or Federal recourse, to first file locally and then proceed on the higher state or federal level. It is advisable for any employee intending to complain of discrimination and or harassment to clarify their procedural options with private or other legal counsel.

**V. Supervisor's/Manager's Responsibility**

Supervisors and managers must ensure that employees are provided with a work environment free from discrimination and harassment of any kind. It *is* incumbent upon all supervisory and managerial personnel to conduct a prompt and candid inquiry into any instance of alleged discrimination or harassment that comes to their attention. All information regarding such allegations will be documented by the supervisor and forwarded immediately to the Assistant Sheriff. **(26.1.5)**

**VI. CALEA Standards**

26.1.3., 26.1.5

**VII. Cancellation**

This directive cancels and replaces Administrative Directive 1.06, Effective Date: *11/18/2008*.

AUTHORITY:

  
Darren M. Popkin, Sheriff  
08/26/2015