

# South Carolina Department of Public Safety



Office of the Director

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<b>POLICY</b>	<b>400.32</b>
<b>EFFECTIVE DATE</b>	<b>JANUARY 17, 2020</b>
<b>SUBJECT</b>	<b>ANTI-HARASSMENT AND ANTI-DISCRIMINATION POLICY</b>
<b>REPLACES POLICIES DATED</b>	<b>400.11 (EQUAL EMPLOYMENT OPPORTUNITY [EFFECTIVE AUGUST 27, 2018])</b> <b>400.13 (HARASSMENT FREE WORKPLACE [EFFECTIVE OCTOBER 1, 2000])</b>
<b>APPLICABLE LEGAL AUTHORITIES</b>	<b>Title VII of the Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, Americans with Disabilities Act, S.C. Code §§ 1-13-10, et seq.</b>
<b>APPLICABLE STANDARDS</b>	<b>26.1.3, 31.2.3, 33.7.1, 33.7.2, 52.1.1</b>
<b>APPLICABLE STANDARD OPERATING PROCEDURES (SOP)</b>	<b>N/A</b>
<b>FORMS</b>	<b><a href="#">DPS-LE-089 (Internal Complaint Form)</a></b>
<b>DISTRIBUTION</b>	<b>TO ALL EMPLOYEES</b>

**THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**

## **I. PURPOSE [26.1.3] [31.2.3]**

To ensure nondiscriminatory employment practices and provide guidelines for appropriate Workplace behavior for all South Carolina Department of Public Safety (SCDPS or department) employees.

## **II. POLICY [26.1.3] [31.2.3]**

SCDPS shall provide equal employment opportunity to all individuals and prohibit Discrimination, Harassment, a Hostile Work Environment, and/or Retaliation in all SCDPS Workplace locations based on race, color, religion, sex, gender, age, disability, pregnancy (including childbirth or related medical conditions), or national origin. This policy statement embodies the department's commitment to implement these practices as part of its Strategic Plan.

## **III. DEFINITIONS**

For purposes of this policy, the following definitions shall apply:

**Discrimination** – Unfair treatment or Harassment because of race, color, religion, sex, gender, age, disability, pregnancy (including childbirth or related medical conditions), or national origin.

**Harassment** – Substantial and unreasonable words, gestures, or actions that are intended to frighten, alarm, or abuse another person or that would cause a reasonable person mental or emotional distress. Harassment is generally considered unwanted, unwelcome, and non-consensual.

**Hostile Work Environment** – Situation in which one employee's behavior within a workplace creates an environment that is difficult or uncomfortable for another person to work in due to Discrimination, Harassment, and/or Retaliation.

**Protected Activity** – Employee’s opposition to any practice made an unlawful practice by Title VII or employee’s participation in an investigation, proceeding, or hearing under Title VII.

**Retaliation** – Adverse employment action as a result of engaging in a Protected Activity.

**Workplace** – Any area in which employees work or work-related activities occur to include travel, field sites, state buildings, other facilities, and vehicles or other conveyances used for travel while on department business.

**IV. GENERAL PROVISIONS [26.1.3] [31.2.3]**

- A. All employees are covered by this policy.
- B. All employees, contractor personnel, vendors, and volunteers shall create and sustain a Harassment-free and Discrimination-free environment by maintaining conduct that is professional and supportive of this environment.
- C. In an effort to ensure all SCDPS employees understand the severity of the issue of Harassment and Discrimination, all employees shall complete initial Anti-Harassment and Anti-Discrimination training within 90 days of employment with the department and no less than bi-annually thereafter. [33.7.1] [33.7.2]
- D. This policy prohibits Retaliation against employees who report Harassment, a Hostile Work Environment and/or Discrimination or assist in investigating complaints. Lodging a valid complaint will in no way be used against the employee or have an adverse impact on the individual’s employment status.

**V. EQUAL EMPLOYMENT OPPORTUNITY [31.2.3]**

- A. To achieve equal employment opportunity for all employees, this policy shall govern, without limitation, the following aspects of employment:
  - 1. Recruitment and Selection - In accordance with applicable law, the recruitment, testing, and hiring of all personnel will continue to be conducted without Discrimination against any individual with regard to race, color, religion, sex, gender, age, disability, pregnancy (including childbirth or related medical conditions), or national origin.
  - 2. Promotion - Individuals shall be promoted on the basis of their abilities, skills, and experience. The department shall ensure that qualified minorities and females are considered for promotion. Supervisors and other appropriate personnel directly involved in making promotional decisions shall ensure promotions are based on valid occupational qualifications.
  - 3. Reduction in Force - If reductions in the department’s workforce become necessary, these reductions will be based on nondiscriminatory policies. The Office of Human Resources (OHR) shall review those persons affected by the reductions to assure compliance with this policy and ensure that minorities and females are treated in a nondiscriminatory manner with respect to layoff and recall.

**VI. PROHIBITED WORKPLACE CONDUCT [26.1.3]**

- A. Prohibited conduct in the Workplace includes, but is not limited to, the following:
  - 1. Written or Verbal Harassment (e.g., innuendoes, lewd jokes, propositions)
  - 2. Non-Verbal Harassment (e.g., vulgar gestures, obscene emails, texts, or letters)
  - 3. Physical Harassment (e.g., unwelcome physical contact)
  - 4. Visual or Symbolic Harassment (e.g., offensive displays in the workplace)

5. Discriminatory behavior [31.2.3]

**VII. MANAGEMENT / SUPERVISORY ACTION [26.1.3] [31.2.3]**

A. SCDPS managers and supervisors shall:

1. Take appropriate measures to prevent, identify, and stop Discrimination, Harassment, a Hostile Work Environment, and/or Retaliation;
2. Take all reasonable steps to protect the person/people targeted by Discrimination, Harassment, a Hostile Work Environment, and/or Retaliation; and
3. Take all reasonable steps to ensure no further Discrimination, Harassment, a Hostile Work Environment, and/or Retaliation occurs.

B. Managers and supervisors should contact the Office of Professional Responsibility (OPR) or OHR if they have any questions concerning Discrimination, Harassment, a Hostile Work Environment, Retaliation, and/or the reasonable steps to address a specific situation.

C. A manager or supervisor who becomes aware of an incident of alleged Discrimination, Harassment, a Hostile Work Environment, and/or Retaliation shall forward the information regarding the incident to OPR for further investigation in accordance with [SCDPS Policy 100.07 \(Office of Professional Responsibility\)](#) and the [Office of Professional Responsibility SOP](#). [52.1.1]

**VIII. REPORTING HARASSMENT, DISCRIMINATION, RETALIATION, AND/OR A HOSTILE WORK ENVIRONMENT [26.1.3] [31.2.3]**

A. Any employee who believes he/she has experienced Discrimination, Harassment, a Hostile Work Environment, and/or Retaliation should exercise any one or more of the following options as soon as the offensive behavior begins:

1. For an incident involving Harassment, tell the harasser to stop the offensive conduct. It should be made clear to the harasser that the conduct is unwanted; and/or
2. Immediately report the conduct on the [Internal Complaint Form](#) or report the conduct to his/her supervisor, OPR, or the Equal Employment Officer (EEO) Officer within OHR.
  - a. Charges may be filed in person, by mail, or by telephone. To avoid delay, the employee should contact the EEO Officer if he/she desires an appointment or needs special assistance (e.g., interpreter) to file a charge.
  - b. The EEO Officer is located in the Office of Human Resources located at 10311 Wilson Boulevard, Post Office Box 1993, Blythewood, South Carolina 29016.

B. Employees, vendors, contractors, or volunteers who witness Discrimination, Harassment, a Hostile Work Environment, and/or Retaliation shall report the conduct on the [Internal Complaint Form](#) or report the conduct to the appropriate supervisor, OPR, or the EEO Officer within OHR. [26.1.3]

C. Anonymous reports of incidents of alleged Discrimination, Harassment, a Hostile Work Environment, and/or Retaliation shall be forwarded to OPR for further investigation in accordance with [SCDPS Policy 100.07 \(Office of Professional Responsibility\)](#) and the [Office of Professional Responsibility SOP](#). [52.1.1]

D. Contractor personnel or volunteers who engage in Discrimination, Harassment, a Hostile Work Environment, and/or Retaliation should be reported on the [Internal Complaint Form](#) or reported to the EEO Officer within OHR and/or the appropriate officials governing the contractor/volunteer. A contractor who fails to enforce this policy may have its contract terminated.

E. Visitors who engage in Discriminatory behavior and/or Harassment will be asked to leave and/or be removed from the premises.

**IX. DISCIPLINARY ACTION**

- A. Accusations of Discrimination, Harassment, a Hostile Work Environment, and/or Retaliation will be taken seriously. Any employee who engages in Discrimination, Harassment, a Hostile Work Environment, and/or Retaliation shall face disciplinary action(s) up to and including termination.
- B. Any employee who willfully makes a false accusation of Discrimination, Harassment, a Hostile Work Environment, and/or Retaliation may be subject to disciplinary action up to and including termination.
- C. Managers and supervisors who do not take action when they know or suspect that Discrimination, Harassment, a Hostile Work Environment, and/or Retaliation is occurring will be subject to disciplinary action up to and including termination.

<b>By Order of the Director</b> <b>Date: January 17, 2020</b>
<i>Leroy Smith</i>
<b>Director</b> <b>S C Department of Public Safety</b>
<b>The Original Signed Copy of this Policy is on File in the Office of Strategic Services, Accreditation, Policy and Inspections</b>