

HARASSMENT AND DISCRIMINATION IN THE WORKPLACE

<i>Effective Date:</i> April 15, 2013	<i>Directive Number:</i> 10-7-1	
<i>Special Instructions:</i> NONE		
<i>Distribution:</i> All Sworn & Civilian Personnel	<i>Last Re-Evaluation Date:</i>	<i>Total Pages:</i> 4

I. PURPOSE

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. Federal law provides for the protection of classes of persons based on race, color, sex, religion, age, disability and national origin. Not protected by federal law but also protected by this policy are persons based on their sexual orientation.

II. POLICY

It is the policy of this law enforcement agency that all employees have the right to work in an environment free of all forms of harassment. This agency will not tolerate, condone, or allow harassment. This agency will not tolerate, condone or allow harassment by employees, whether sworn (regular or reserve), civilian, volunteer or other non-employees who conduct business with this agency. This agency considers harassment and discrimination of others a form of serious employee misconduct.

Therefore, this agency shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and discrimination. A violation of this agency policy can lead to discipline, up to and including termination, with repeated violations, even if "minor", resulting in greater levels of discipline as appropriate.

III. DISCUSSION

A. Prohibited Activity

1. No employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person.
2. Employees shall not make offensive or derogatory comments to any person either directly or indirectly, based on race, color, sex, religion, age, disability, sexual orientation or national origin. Such harassment is a prohibited form of discrimination under state and federal employment law and/or is also considered misconduct subject to disciplinary action by this agency.

3. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
 - b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
 - 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, regular, reserve or civilian, and all volunteers including but not limited to VIPs.
- B. Employee Responsibilities**
1. Each supervisor shall be responsible for preventing acts of harassment. This responsibility includes:
 - a. Monitoring the unit work environment on a daily basis for signs that harassment may be occurring.
 - b. Counseling all employees on the types of behavior prohibited, and the agency procedures for reporting and resolving complaints of harassment.
 - c. Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and
 - 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 harassment, pending investigation.
 - 1) If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant.
 - 2) Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.
 - e. Failure to carry out these responsibilities will be considered in any evaluation or promotional decision and may be grounds for discipline.
 2. Each supervisor has the responsibility to assist any employee of this agency who comes to that supervisor with a complaint of harassment, in documenting and filing a complaint with the internal investigations authority or other investigatory authority as designated by this agency.
 3. Each employee of this agency is responsible for assisting in the prevention of harassment through the following acts:
 - a. Refraining from participating in, or encouragement of actions that could be perceived as harassment.

- b. Reporting acts of harassment to a supervisor; and
 - c. Encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.
 4. Failure of any employee to carry out the above responsibilities will be considered in any performance evaluation or promotional decision and may be grounds for discipline.
- C. Complaint Procedures
 1. Any employee encountering harassment is encouraged to inform the person that his or her actions are unwelcome and offensive. The employee is encouraged to document all incidents of harassment in order to provide the fullest basis for investigation.
 2. Any employee who believes that he or she is being harassed shall report the incident(s) as soon as possible so that steps may be taken to protect the employee from further harassment, and so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, the employee may instead file a complaint with another supervisor or with the appropriate internal investigations authority, or the chief executive officer of the agency.
 - a. The supervisor or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the harassment, any witnesses to the incident(s) and the date(s) on which it occurred.
 - b. The agency employee taking the complaint shall promptly submit a confidential memorandum documenting the complaint to the appropriate investigative authority.
 3. The internal investigation authority shall be responsible for investigating any complaint alleging harassment or discrimination.
 - a. The internal investigative authority shall immediately notify the chief executive officer and the prosecutor's office if the complaint contains evidence of criminal activity, such as battery, rape or attempted rape.
 - b. The investigator shall include a determination as to whether other employees are being harassed by the person, and whether other agency members participated in or encouraged the harassment.
 - c. The internal investigative authority shall inform the parties involved of the outcome of the investigation.
 4. There shall be no retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying or participating in the investigation of such a complaint.
 5. The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

6. Complainants or employees accused of harassment may file a grievance/appeal in accordance with agency procedures when they disagree with the investigation or disposition of a harassment claim.
7. This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.

D. Retaliation

1. Retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, 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. 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. Monitoring to ensure that retaliation does not occur is the responsibility of the chief executive officer, supervisors and appropriate internal investigative authority.

ORDERED and EXECUTED this 15th day of April, 2013

Christopher Workman
Chief of Police