

Policy #9

Subject: Sexual Harassment

Effective Date: February 2000

Reference: Standard Operating Procedures

Distribution: All Personnel

POLICY:

The department's policy is to provide a professional, businesslike, work environment, free from all forms of employee discrimination, including incidents of sexual harassment. No employee shall be subjected to unsolicited and unwelcome sexual overtures, verbal, or physical conduct of a sexual nature. Sexual harassment will be treated as misconduct with appropriate disciplinary sanctions.

PURPOSE:

Under Title VII of the Civil Rights Act of 1964, and similar State Statutes, sexual harassment in the workplace constitutes unlawful employment discrimination, which may give rise to liability against both the employer and the harasser, whether the harasser is a supervisory level employee or a co-employee of the complainant. The purpose of this order is to define sexual harassment, establish department policy concerning allegations of sexual harassment, and establish appropriate reporting procedures.

DEFINITION:

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 for 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. The conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.
- D. By way of illustration only, some examples of conduct which could constitute sexual harassment in the workplace under certain circumstance would include, but not necessarily be limited to the following:
 - 1. Sexual comments, attempts at humor, or innuendoes of a provocative or suggestive nature.
 - 2. The leaving of sexually explicit books, magazines or photographs in the workplace.

3. Unwelcome demeaning comments, ridicule, offensive language, propositions or other similar actions.
4. Unwanted, unwarranted, unsolicited off duty telephone calls and contact.
5. Hiring or promoting an employee in exchange for sexual favors or transferring, demoting, or dismissing employees who refuse such advances.

EMPLOYEE'S RESPONSIBILITIES:

- A. Each supervisor shall be responsible for preventing acts of harassment. This responsibility includes:
 1. Monitoring the unit work environment on a daily basis for signs that harassment may be occurring;
 2. Counseling all employees in the types of behavior prohibited, and the agency procedures for reporting and resolving complaints of harassment;
 3. 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
 4. Taking immediate action to limit the work contact between two employees where there has been a complaint of harassment, pending investigation.
- B. Each supervisor has the responsibility to assist any employee of this agency, who comes to that supervisor with a complaint of harassment, pending investigation
- C. Each employee of this agency is responsible for assisting in the prevention of harassment through the following acts.
 1. Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
 2. Reporting acts of harassment to a supervisor.

PROCEDURES:

- A. Any employee who believes that he/she is being harassed shall report the incident(s) to his/her supervisor as soon as possible, so that steps may be taken to protect the employee from further harassment, and appropriate investigative and disciplinary measures may be initiated. Where it is not practical to report the incident(s) to the immediate supervisor (such as where the supervisor is unavailable, or where the allegation of misconduct involves the supervisor) the employee may instead report the incident(s) to another supervisor, to the internal

investigating authority or the Chief of Police. If the allegation involves the Chief of Police, or similar-policy making senior official, the complainant should present the allegation without delay to the appointing authority.

- B. Any complaint of sexual harassment will be promptly and thoroughly investigated by the Chief of Police, or the designated internal investigation authority (or the appointing authority, if applicable) to verify whether a violation of law and a department's policy had occurred. Where the allegations are verified, prompt and appropriate corrective actions and disciplinary measures, up to, and including dismissal, will be implemented.
- C. The Chief of Police (or appointing authority, if applicable) shall inform the parties involved of the outcome of the investigation.
- D. An employee reporting an incident of sexual harassment, or assisting, testifying, or participating in the investigation of such a complaint, shall not be subject to any adverse employment action, unless it's determined that the employee made the allegation knowing it was false.
- E. Complainants or employees accused of harassment may file a grievance/appeal in accordance with the agency procedures when they disagree with the investigation or the disposition of a harassment claim.