

# PINE BLUFF POLICE DEPARTMENT POLICY & PROCEDURES MANUAL

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|  | <b>SUBJECT:</b>   | <b>POLICY NUMBER</b><br>180         |
|   | <b>HARASSMENT &amp; DISCRIMINATION IN THE WORKPLACE</b> | <b>ISSUE DATE</b><br>02/19/2008     |
|   | <b>CHAPTER: ADMINISTRATION &amp; PERSONNEL</b>          | <b>EFFECTIVE DATE</b><br>02/19/2008 |
|   | <b>ISSUED By:</b><br>Chief of Police John E. Howell     | <b>TOTAL PAGES</b><br>5             |

## 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. All employees must be aware that they may not engage in any acts that threaten, intimidate, harass, demean or torment fellow employees irrespective of whether the employee is a member of a protected class. It is a violation of this policy even if the act was not as severe or pervasive as to alter the condition of the victim's employment and/or create an abusive work environment. However, the complained of activity must be objectively unreasonable. A single act may suffice. To determine if the activity is unreasonable, the totality of the circumstances surrounding the incident must be assessed.

## 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 and discrimination by employees, whether sworn civilian or volunteer, or other non-employees who conduct business with this agency. This agency considers harassment and discrimination of others serious employee misconduct.

## III. DEFINITIONS

- A. **HARASSMENT**: Any form of conduct that is objectively unreasonable or offensive and that could result in a hostile or intimidating working environment.
- B. **DISCRIMINATION**: A failure to treat all persons equally where no reasonable distinction can be found between those favored and those not favored.

- C. **OFFICE OF PROFESSIONAL STANDARDS (OPS)**: The agency unit/function responsible for monitoring adherence of employees to agency policy, procedures and rules and for conducting investigations of allegations of employee misconduct.

#### **IV. PROHIBITED ACTIVITIES**

- A. Prohibited activity under this policy includes but is not limited to the following.
1. Individuals covered under this policy include agency members defined as employees and applicants for employment with the agency, whether sworn, regular, reserve, or civilian, and all volunteers.
  2. No employees shall either explicitly or implicitly ridicule, mock, deride or belittle any person.
  3. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly.
  4. No employee shall engage in activity such as slander, sabotage, ostracism, badgering, withholding resources, disruptive treatment and/or conduct that intimidates or is hostile, whether this conduct is of a sexual nature or not. Nor shall any employee allow non-employees who conduct business with this police agency to engage in such activity. All prohibited acts of these types will be judged on the basis of conduct that is “objectively reasonable.”
  5. 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 is objectively unreasonable even though it may not interfere with an employee’s work performance or create an intimidating, hostile or offensive working environment to any employee.
    - d. No employee may perform an objectively unreasonable act upon any employee based upon that person’s race, sex, religion, national origin, color, sexual orientation, age or disability.

#### **V. SUPERVISORS RESPONSIBILITIES**

- A. Although all employees shall be responsible for preventing harassment and/or discrimination, supervisors shall be responsible for:
1. Advising employees on the types of behavior prohibited and the agency procedures for reporting and resolving complaints of harassment and discrimination;

2. monitoring the work environment on a daily basis for signs that harassment and discrimination may be occurring;
3. stopping any observed acts that may be considered harassment and discrimination, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and
4. A supervisor shall utilize all reasonable means to prevent a prohibited act from occurring when he or she knows or should know that an employee will or may perform such an activity.
5. No supervisor shall make any employment decision that affects the terms, conditions, or privileges of an individual's employment based on the basis of that person's race, sex, religion, national origin, color, sexual orientation, age or disability.
6. 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 and/or discrimination. If a situation requires separation of the parties, care should be taken to avoid action that punishes or appears to punish the complainant. 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.
7. Any proscribed conduct covered by this policy that comes to the attention of a supervisor shall result in an investigation.
8. Each supervisor has the responsibility to assist any employee of this agency who comes to that supervisor with a complaint of harassment and discrimination in documenting and filing a complaint with OPS.

## **VI. EMPLOYEE RESPONSIBILITIES**

- A. Each employee of this agency is responsible for assisting in the prevention of harassment and discrimination by:
  1. refraining from participation in or encouragement of action that could be perceived as harassment and discrimination;
  2. reporting observed acts of harassment and discrimination to a supervisor; and
  3. 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 their responsibilities as defined in this policy will be considered in any performance evaluation or promotional decision and may be grounds for discipline.

**V. COMPLAINT PROCEDURES**

- A.** Any employee encountering harassment and/or discrimination 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 and discrimination in order to provide the fullest basis for investigation. The employee should be advised that he or she must report such acts.
- B.** Any employee who believes that he or she is being harassed or discriminated against shall report the incident(s) as soon as possible so that steps may be taken to protect the employee from further harassment and discrimination and so that appropriate investigative and disciplinary measures may be initiated.
- C.** Where the immediate supervisor is involved in the harassment and/or discrimination, the employee may waive filing a complaint with that supervisor and may proceed to a supervisor higher in the chain of command.
- D.** 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 and discrimination, any witnesses to the incident(s) and the date(s) on which it occurred.
- E.** That employee taking the complaint shall promptly submit a confidential memorandum documenting the complaint to OPS.
- F.** OPS shall be responsible for investigating any complaint alleging harassment and/or discrimination.
- G.** OPS shall immediately notify the agency chief executive if the complaint contains evidence of criminal activity, such as battery, rape, or attempted rape.
- H.** The investigator shall include a determination as to whether other employees are being harassed or discriminated against by the person and whether other agency members participated in or encouraged the harassment or discrimination.
- I.** OPS shall inform the parties involved of the outcome of the investigation.
- J.** A file of harassment and discrimination complaints shall be maintained in a secure location. The chief executive officer shall be provided with an annual summary of these complaints.
- K.** The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

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

**VI. RETALIATION**

- A. Retaliation against any employee for filing a harassment or discrimination complaint or for assisting, testifying, or participating in the investigation of such a complaint is prohibited by this agency.
- B. 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.
- C. Monitoring to ensure that retaliation does not occur is the responsibility of the chief executive officer, supervisors and the Office of Professional Standards.

**VII. TRAINING**

This agency shall provide periodic and refresher training concerning the nature of harassment and discrimination in the workplace and prohibitions on such actions defined in the policy.