



# Helen Police Department

## Standard Operating Policies and Procedures

Chapter A-050 Harrasment	Effective Date:	August 1, 2022	# of Pages:	5
	Revised Date:		Distribution Authorization:	<i>Alonna C. Barnett</i>
	Special Instructions:			

### I. PURPOSE

The purposes of this policy are to define and forbid certain conduct that is sexual, ethnic, racial or religious harassment, to prohibit the condoning or perpetuating of such conduct, and to provide an efficient means for reporting and resolving complaints of such harassment and complaints of condoning such harassment.

### II. POLICY

It is the policy of the Helen Police Department that all employees (sworn and civilian, full and part-time), potential employees (applicants and recruits), volunteers and community service workers be treated with respect. This policy is to maintain a quality working environment for said individuals so that they may work free from intimidation, humiliation, insult or be subjected to offensive physical or verbal abuse or actions of sexual, ethnic, racial or religious nature. Any employee, volunteer or community service worker who engages in or who perpetuates or condones sexual, ethnic, racial or religious harassment may be subject to immediate disciplinary and/or criminal action.

### III. SCOPE

This policy covers all part-time and full-time employees, sworn and civilian personnel, community volunteers and community service workers.

### IV. PROHIBITED CONDUCT

A. Physical conduct or contact of a sexual nature, requests for sexual favors and verbal conduct of a sexual nature are sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, volunteer or community service.

2. Submission to or rejection of such conduct by an individual is used as a basis for employment, volunteer or community service decisions affecting such individual.
  3. Such conduct has the purpose or effect of either interfering with an individual's work performance or of creating an intimidating, hostile or offensive work environment.
- B. Behaviors which may constitute sexual harassment includes, but is not limited to:
1. Verbal harassment (e.g., epithets, derogatory remarks, or slurs);
  2. Physical harassment (e.g., touching gestures, assault, impeding or blocking movement, or any physical interference with normal work or movement)
  3. Visual forms of harassment (derogatory posters, letters, poems, graffiti, cartoons, or drawings); and
  4. Requests for sexual favors or unwelcome sexual advances.
- C. The following types of conduct are examples of sexual harassment and are prohibited. These examples do not represent all the ways in which sexual harassment may occur and are not intended to limit the preceding definition of sexual harassment.
1. Explicit or implicit promises of career advancement or preferential treatment in return for sexual favors. Such promises or preferential treatment may include but are not limited to overlooking an individual's work deficiencies; hiring, promotion and training opportunities; accepting lower performance standards; giving exemplary performance evaluations; and lax time keeping.
  2. Explicit or implicit threats that an employee will be adversely affected if sexual demands are rejected. Such threats include but are not limited to giving poor performance evaluations; denying promotions; punitive transfers; altered or increased work assignments; and refusal to provide training.
  3. Deliberate, repeated and unsolicited verbal comments and gestures of a sexual nature. This includes sexually suggestive remarks, pictures, "jokes" or a single gross incident.

4. Deliberate and unsolicited single touching of another. This includes inappropriate touching, pinching or repeated brushing against another person's body.
5. A deliberate and unsolicited single touching of an obvious sexual nature.
6. Providing an employment opportunity or benefit to an individual because of submission to sexual advances, when a similar opportunity or benefit is not granted to similarly qualified persons with whom the harasser is not sexually involved.
7. Denial of an employment opportunity or benefit to an individual because of his/her refusal to submit to sexual advances, their racial or ethnic background or religious preference.
8. Sexual, racial, ethnic or religious related jokes, comments, insults, cartoons or innuendoes.

## **V. EMPLOYEE AND SUPERVISOR RESPONSIBILITY**

- A. All employees, volunteers and community service workers have a responsibility to conduct themselves in a manner that will ensure proper performance of their work and maintenance of community confidence and respect.
- B. Victims have the responsibility to complain about sexual harassment in a timely manner and to pursue their complaint to a higher authority if not satisfied with the response of anyone in their chain of command.
- C. Supervisors have a responsibility to act promptly and affirmatively when they observe behavior that violates this regulation and/or when they receive complaints of sexual harassment.
- D. Supervisors are responsible for ensuring that this policy is circulated to all employees, volunteers and community service workers under their direction and that all understand its content.

## **VI. COMPLAINT PROCESS**

- A. It is the department's position to take affirmative action to prevent such unwanted conduct from occurring. It is each employee's responsibility to help eliminate all forms of harassment and unwanted conduct. It will be every supervisor's responsibility to prevent or investigate such behavior if occurring in his or her work jurisdiction.
- B. Reporting

1. Any employee, volunteer or community service worker encountering harassment is encouraged to inform the person that his or her actions are unwelcome and offensive. The individual is encouraged to document all incidents of harassment in order to provide the fullest basis for investigation.
2. When an employee, volunteer or community service worker believes that he or she is being harassed, they are to report the incident as soon as possible to their immediate supervisor, unless the alleged harasser is the employee's supervisor. In this case the supervisor's immediate supervisor shall be notified.

### C. Investigation

1. All initial complaints or incidents shall be investigated on a case-by-case basis by the supervisor. The supervisor shall deal with all such reported incidents in a fair, impartial and speedy manner. The supervisor shall make the Deputy Chief aware of the complaint as soon as practical. When deemed necessary, the complaint may be assigned to Internal Affairs for full investigation.
2. The supervisor to whom the complaint is given shall meet with the employee, volunteer or community service worker and document the incident(s) complained of, the person(s) performing or participating in the harassment, any witness to the incident(s) and the date(s) when the incident(s) occurred.
3. In those incidents where a violation has been shown to occur, immediate action will be taken to remedy the situation, eliminate the undesired performance and prevent its recurrence.
4. The investigating supervisor shall immediately notify the Deputy Chief and the Chief of Police if the complaint contains evidence of criminal activity, or when the supervisor deems it necessary to request an internal investigation.
5. At any time the City Manager is available to meet with any of the involved individuals as a neutral party in interpreting policies and procedures regarding harassment and to advise proper courses of action.
6. The supervisor shall inform all parties involved of the outcome of the investigation.

7. If the matter is not alleviated to the satisfaction of the complainant or employee accused of harassment, the formal grievance process is available to the individual.
  8. This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.
- D. Cooperation -- Every employee of this department will cooperate, within established policies designed to maintain their own legal rights, in any investigation where the employee might have become involved either as a witness or as the accused in a complaint of unwanted conduct.
  - E. Discipline -- Any employee, volunteer or community service worker who violates this policy and engages in or who perpetuates or condones sexual, ethnic, racial or religious harassment will be subject to immediate corrective action ranging from counseling up to and including termination and/or criminal action.
  - F. Confidentiality -- The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.
  - G. Maintenance of Files -- All harassment and discrimination complaints shall be maintained in the Office of the Chief.

## **VII. RETALIATION**

- A. 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.
- B. 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 situations to ensure that retaliation does not occur is the responsibility of supervisors, the Deputy Chief and the Chief of Police.

## **VIII. CITY OF HELEN POLICY ON SEXUAL HARASSMENT**

The City of Helen has developed a blanket policy against sexual harassment of any form, against any employee (sworn and non-sworn), or any potential employee, in order to maintain and provide a quality-working environment.