

PALM BEACH GARDENS POLICE DEPARTMENT		
HARASSMENT AND DISCRIMINATION		
POLICY AND PROCEDURE 4.1.7		
Effective Date : 10/01/04	Accreditation Standards: CALEA 26.1.3 CFA	Review Date:

CONTENTS

1. Responsibilities
2. Prohibited Acts
3. Workplace Relationships
4. Complaint and Investigation Procedures
5. Annual Review of Policy
6. Limitations
7. Glossary

PURPOSE: To clearly establish the Department's commitment to provide a work environment free from harassment and discrimination and to establish procedures for investigating and resolving internal complaints of harassment or discrimination.

SCOPE: This policy and procedure applies to all personnel.

REVIEW RESPONSIBILITY: Assistant Chief Administrative/Investigations Division

POLICY: The Police Department seeks to promote a diverse and productive work environment, and will not tolerate conduct by any employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile work environment based upon an individual's race, color, national origin, gender, religion, age, disability or marital status. It is the policy of the Department that the following actions are strictly prohibited: harassment of, or discrimination against, any person by any employee of this Department on the basis of race, color, national origin, gender, religion, age, disability or marital status; sexual harassment of any type; and retaliation against an employee for filing a complaint under this policy. Employees found to be participating in any form of prohibited harassment or discrimination or retaliating against another employee or any other person for filing a complaint of such, testifying in an investigation, providing information or assisting an investigation, shall be subject to disciplinary action up to and including termination of employment.

PROCEDURES

1. RESPONSIBILITIES

- a. It is the responsibility of the Department Executive Staff (Chief, Assistant Chiefs and Colonel) to provide that any violation of this policy brought to their attention is dealt with fairly, quickly, and impartially, and to set the proper example at all times.
- b. It is the responsibility of all supervisors to enforce this policy, to make an annual review with each of their subordinates so that they are aware of the policy, and to regularly check the workplace and environs to ensure the policy is being followed. Often times, prompt action by a supervisor can prevent further problems and formal complaints. Additionally, supervisors are required to set a proper example at all times.
- c. It is the responsibility of each and every employee of the Department to become familiar with and follow this policy. Every employee shall treat every other employee with dignity and respect so as to facilitate a

productive and professional work environment. Any employee with knowledge of a possible violation of this policy is required to address the violation in accordance with Section 4 below.

2. PROHIBITED ACTS

- a. Any acts which tend to harass or discriminate in violation of this policy are prohibited, including but not limited to:
 - i. Verbal Harassment: Explicitly or implicitly ridiculing, mocking, deriding, or belittling any person on the basis of race, color, national origin, gender, religion, age, disability or marital status; and epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments on the basis of race, color, national origin, gender, religion, age, disability or marital status, whether made in general, directed to an individual, or to a group of people regardless of whether the behavior was intended to harass.
 - ii. Physical Harassment: Assaulting, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, color, national origin, gender, religion, age, disability or marital status.
 - iii. Visual Forms of Harassment: Derogatory, prejudicial, stereotypical or otherwise offensive posters, clothing, Mobile Data Terminal/Computer messages, photographs, cartoons, e-mails, notes, bulletins, drawings or pictures on the basis of race, color, national origin, gender, religion, age, disability or marital status. This applies to both posted material and material maintained in or on Department equipment or personal property in the workplace.
- b. Any sexual harassment or unwelcome conduct of a sexual nature in the workplace that is directed at or affects an individual of either sex and which has an adverse effect on a member of the department is prohibited. Examples of conduct that, if unwelcome and resulting in an adverse effect, may constitute sexual harassment include but are not limited to:
 - i. Offensive sexual flirtation, advances, or propositions.
 - ii. Verbal abuse of a sexual nature or graphic verbal commentaries about an individual's body.
 - iii. Questions or discussions about one's personal sex life.
 - iv. Open display and/or discussion of sexual relations between employees.
 - v. Requests or pressure of any kind for sexual favors, activities, or contact.
 - vi. Social invitations accompanied by discussion of terms or conditions of employment or a performance evaluation.
 - vii. Sexually explicit, graphic, abusive, degrading, intimidating, lewd, obscene or offensive jokes.
 - viii. Leering, pinching, patting, and swearing; particularly when sexual terms are used.
 - ix. Physical contact or touching of a sexual nature, including physical or sexual assault.
 - x. Display, circulation, or communication of any sexually suggestive, explicit, graphic, or offensive objects, pictures, or materials of any kind.
 - xi. Requests or instructions that clothing be worn for sexual effect.

3. WORKPLACE RELATIONSHIPS

- a. It is not unusual for people who meet in the workplace to sometimes become romantically involved, and it is not the Department's intent to interfere with any dating relationship. Any involvement between employees must be voluntary and desired by both parties. However, many problems have developed in police departments because of dating relationships, and they can interfere with the goal of having a sound professional work environment. It is not inappropriate for a person to be asked out by a coworker. However, if the person being asked does not want to go out with another employee, it is imperative that their response to the request is firm and definite. After this definite response has been made, it is inappropriate for the requesting party to make any further attempt to initiate a dating relationship. Repeated requests for a dating relationship could constitute sexual harassment. It is also inappropriate for any relationship to interfere with normal work operations in any manner. Personnel who desire to develop a relationship with someone in the workplace must be aware of the following guidelines:

- i. All behavior between employees involved in a dating relationship will be conducive to a sound, professional work environment at all times when on Department time or property.
- ii. Any dating relationship involving personnel at different levels in the chain of command or where one party has functional supervision over another will be reported by the person of higher rank to his/her supervisor immediately. Failure to report this relationship is a violation of this policy. The supervisor receiving this information will immediately contact the Chief of Police and inform him/her of the relationship. The Chief of Police will take steps to guard against the relationship detracting from a sound professional work environment. Such steps may include the transfer of the higher ranking person to another unit or another shift. In no case will one department employee in a relationship with another department employee be allowed to remain in a position of authority over that employee.

4. COMPLAINT AND INVESTIGATION PROCEDURES

- a. All members of the department have the responsibility and authority to stop behavior they observe, even if not directed against them, that could constitute discrimination or harassment before it leads to a complaint, and they are expected to do so whenever they observe such behavior. If such behavior continues, the observing member shall report the behavior in accordance with these procedures.
- b. All supervisors are specifically charged with the responsibility of stopping behavior that could constitute harassment or discrimination. Any supervisor who observes potential harassment or discrimination shall notify the offender(s) that the behavior is inappropriate and direct the offender(s) to cease the behavior.
- c. If any employee feels that he/she is a victim of any form of harassment, he/she should inform the person(s) participating in this behavior that they find it offensive and want the harassment stopped immediately. This one on one confrontation has been demonstrated to be an effective way to end harassing behaviors. If the inappropriate behavior(s) does not stop, the offended employee can initiate a complaint as described below. Because confrontation is difficult for some people and because of the complex nature of harassment, employees are not necessarily required to confront an offending party prior to initiating this complaint procedure, although it is important that the offender be advised his/her behavior is inappropriate and unwelcome.
- d. Any employee who believes he/she is a victim of workplace discrimination or harassment and who has made an unsuccessful attempt to stop the offending employee's behavior as described above or who prefers not to confront the offending employee, should, as soon as possible, make a complaint orally or in writing to any of the following:
 - i. The employee's immediate supervisor.
 - ii. Any Department supervisor.
 - iii. The Chief of Police.
 - iv. The City's Director of Human Resources.
- e. If the person committing the harassment is part of the employee's chain of command, the employee should bypass that person and report the harassment to one of the other persons described above.
- f. Any supervisor who receives a harassment complaint shall discuss the situation with the complainant and determine the complainant's wishes. If the complainant states that he/she simply wants the unwelcome or inappropriate behavior to stop, the behavior is not serious and the offender has not already been warned to stop the behavior, the supervisor will respect the wishes of the complainant and will notify the offender(s) that the behavior is unwelcome or inappropriate and direct the offender(s) to cease the behavior. The supervisor should also advise the complainant that if the behavior continues, the complainant should notify the supervisor so more formal action can be taken. The supervisor will document in a memorandum to the offender's Bureau Commander the complaint and action taken.
- g. All employees should realize that it may be necessary at times to record formal complaints and conduct investigations regardless of the complainant's wishes to handle the situation informally. The nature of the behavior may be such, or the offender may have been previously warned, so that it will be necessary to handle the investigation more formally.

- h. If the complainant wishes to make a formal complaint, the offender has already been warned that the behavior is unwelcome or the behavior is serious, the supervisor will document the complaint in memorandum format, if not already put in writing by the complainant, and forward the complaint to the Chief of Police as soon as possible, but by the beginning of the next business day at the latest.
- i. Upon the receipt of a harassment complaint, the Chief shall provide the Director of Human Resources with a copy of the complaint and direct an initial investigation to make a determination as to whether there is any merit to the complaint. Depending on the nature of the allegation, and results of any preliminary inquiry, the investigation may be conducted by a designated supervisor, Internal Affairs, the City's Human Resources Department, or an outside agency.
- j. Factual information gathered through the investigation will be reviewed to determine whether the alleged conduct constitutes discrimination or harassment, giving consideration to the totality of the circumstances including the nature of the verbal, physical, visual or sexual conduct and the context in which the alleged incident(s) occurred.
- k. The results of the investigation and the determination as to whether harassment occurred will be reported to appropriate persons including the complainant and the alleged harasser(s) following current Department guidelines.
- l. If no merit is found, the Chief of Police and/or designee may still meet with the parties involved to attempt to conciliate the complaint or conflict between the parties.
- m. If harassment or discrimination is determined to have occurred, the Chief of Police shall take prompt and effective remedial action against the offender(s). The action will be commensurate with the severity of the offense, up to and including termination from employment.
- n. Retaliation in any manner against a person for filing a harassment or discrimination charge or initiating a harassment or discrimination complaint, testifying in an investigation, providing information or assisting an investigation, is expressly prohibited and subject to disciplinary action up to and including termination from employment. The Chief of Police or his designee will take reasonable steps to protect the victim and other potential victims from further harassment, and to protect the victim from any retaliation as a result of communicating the complaint.
- o. Confidentiality will be maintained to the fullest extent possible in accordance with applicable federal, state and local laws.
- p. Any employee of the Department who makes a knowingly false complaint regarding workplace harassment or discrimination will be subject to discipline up to and including termination of employment. This section is not intended to discourage employees from making complaints regarding workplace harassment. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated.
- q. Nothing in this policy and procedure is intended to preclude the employee from filing a complaint with the federal Equal Employment Opportunity Commission (EEOC) or any other organization in accordance with applicable federal and state laws. Employees maintain all of their rights under those laws, however, the Department does ask for the opportunity to address and correct inappropriate behavior itself. If the department is not advised of such behavior, it cannot address it.

5. ANNUAL REVIEW OF POLICY

- a. During each annual performance evaluation review, the supervisor conducting the evaluation meeting shall review this policy with the employee and ask the following questions of the employee:
 - i. Have you read the Department's Harassment and Discrimination policy?
 - ii. Do you understand the policy?
 - iii. Do you have any questions about the policy?
 - iv. During this rating period, have you been the victim of, or are you aware of any discrimination or harassment as defined in this policy that you have not reported?
- b. These questions will be included on all evaluation forms. The employee receiving the performance evaluation will place their initials next to their answer to each question.

- c. An answer of "No" to question one or two, or "yes" to question three or four, will be explored further by the supervisor and appropriate action taken.

6. LIMITATIONS

- a. The use of this procedure is limited to complaints related to discriminatory workplace harassment on the basis of race, color, national origin, gender, religion, age, disability or marital status and to complaints of sexual harassment. All other complaints will be handled through the grievance procedures as established by the respective collective bargaining agreements and Department policy and procedure.
- b. It is not a violation of this policy and procedure for the Department to:
- Take or fail to take any action on the basis of race, color, national origin, gender, religion, age, disability or marital status in those certain instances in which race, color, national origin, gender, religion, age, absence of a particular disability, or marital status is a bona fide occupational qualification reasonably necessary for the performance of the particular employment to which such action or inaction is related.
 - Observe the terms of a bona fide seniority system, a bona fide employee benefit plan such as a retirement, pension, or insurance plan, or a system which measures earnings by quantity or quality of production, which is not designed, intended, or used to evade the purposes of this policy and procedure.
 - Take or fail to take any action on the basis of age, pursuant to laws or regulations.
 - Take or fail to take any action on the basis of marital status if that status is prohibited under the City's anti-nepotism policy.

7. GLOSSARY

Sexual Harassment: Any act which is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

INDEX AS:

- DISCRIMINATION
- HARASSMENT
- SEXUAL HARASSMENT

RESPONSIBILITY INDEX

- CHIEF OF POLICE
- ASSISTANT CHIEFS AND COLONEL
- BUREAU COMMANDERS
- INTERNAL AFFAIRS
- ALL SUPERVISORS

DRAFTED: 02-24-2004 FILED: 4.1.7.pdf

APPROVED:



Stephen J. Stepp
Chief of Police

09/17/2004

Date