



HARASSMENT AND SEXUAL HARASSMENT

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I. PURPOSE

The purpose of this order is to maintain a healthy 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. This policy, as well as City Ordinance, also protects persons based on their sexual orientation.

II. POLICY

It is the policy of the Iowa City Police Department that all employees have the right to work in an environment free of all forms of harassment by employees, whether sworn, civilian, or volunteer, as well as non-employees who conduct business with this agency. This agency considers harassment and discrimination serious misconduct. Therefore, the Iowa City Police Department shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and discrimination. A violation of this departmental policy can lead to discipline up to and including termination.

III. DEFINITIONS

Sexual harassment is unwelcome conduct which affects a term or condition of employment or creates an intimidating, hostile or offensive working environment. Sexual harassment may take the form of deliberate or repeated unsolicited verbal comments, questions, representations or physical contacts of either a sexual or non-sexual nature which are unwelcome to the recipient or observer. Even harassment that is not of a sexual nature, if sufficiently pervasive and offensive, is prohibited in the workplace. Sexual harassment may also take the form of making or threatening to make decisions affecting an employee's job on the basis of an acceptance or refusal of a request for sexual intimacy. (See also, City of Iowa City Personnel Policies Manual.)

IV. PROCEDURES

Sexual harassment is a form of misconduct which undermines the integrity of the employment relationship. Such harassment is prohibited for all employees, regardless of their status, and includes supervisors, subordinates and co-workers. No employee, either male or female, should be subjected to such conduct. Sexual harassment may also be charged between same sex employees.

Sexual harassment may take the form of verbal or physical conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working environment. This type of prohibited activity may take the form of sexually explicit or vulgar language, sexual jokes or innuendo, unwelcome touching and lewd gestures or physical conduct, but is not limited to such activity. It may also include more subtle actions which are directed at an individual.

Racial, creed, ethnic, religious, age, sexual orientation, gender identity, national origin or disability harassment is also a form of serious employee misconduct, is prohibited for all employees, who are subject to disciplinary action up to and including termination for violations.

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 law and is also considered serious misconduct, subject to disciplinary action, up to and including dismissal from the Department.
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.

- 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 all persons employed with the department, whether sworn or civilian. This policy also covers all volunteers and interns associated with the department.

SUPERVISOR / EMPLOYEE RESPONSIBILITIES

Each supervisor shall be responsible for preventing acts of harassment. This responsibility includes but is not limited to:

1. Monitoring the unit work environment on a daily basis for signs that harassment may be occurring;
2. Counseling all employees on the types of behavior prohibited, and the departmental 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 prevent retaliation towards a complaining party and to eliminate any hostile work environment, where there has been a complaint of harassment, pending investigation.
 - a. If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant.
 - b. 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.

Each Supervisor has the responsibility to assist any employee of this department, who comes to that supervisor with a complaint of harassment, in documenting and filing a complaint with the Chief of Police for investigation.

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; and
3. Encouraging any employee who confides that he/she is being harassed or discriminated against to report these acts to a supervisor.

Failure of an employee to carry out the above responsibilities may be considered in any performance evaluation or promotional decision and may be grounds for discipline.

COMPLAINT PROCEDURES

1. Any employee encountering harassment is encouraged to inform the harassing person that his/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/she is being harassed should report the incident(s) to their supervisor as soon as possible, so steps may be taken to protect the employee from further harassment, and appropriate investigative and disciplinary measures may be initiated. Where, in the opinion of the employee, this is not practical, the employee may instead file a complaint with another supervisor, the Chief of Police, or persons identified in the City of Iowa City Personnel Policies manual. In instances where the Chief of Police is accused of harassment, the assistant City Manager shall be notified and will direct the investigation.
 - a. The supervisor or other person to whom the complaint is given shall meet with the complaining employee and document the incident(s) complained of, the person(s) performing or participating in the alleged harassment, witnesses to the incident(s) and the date(s) on which it occurred.
 - b. The employee taking the complaint shall promptly submit a confidential memorandum documenting the complaint to the Chief of Police.
3. The internal investigating authority designated by the Chief of Police shall be responsible for investigating any complaint alleging harassment or discrimination.
 - a. The internal investigating authority shall immediately notify the Chief of Police and the City/County Attorneys office if the complaint contains evidence of criminal activity, such as assault, sexual assault or attempted sexual assault.
 - 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 Chief of Police shall inform all parties involved of the outcome of the investigation.
 - d. A file of harassment complaints shall be maintained in the office of the Chief of Police and the Chief of Police shall compile an annual summary of all harassment complaints.
 - e. Findings of the investigation shall be entered into the member's personnel file in accordance with departmental guidelines on internal investigations.

4. The complaining party's confidentiality will be maintained throughout the investigative process to the extent practical and appropriate under the particular circumstances.
5. Complainants or employees accused of harassment may file a grievance/appeal in accordance with departmental procedures, applicable state law and union contract when they disagree with the findings of the investigation or disposition of the harassment claim.
6. This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.

RETALIATION

1. 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.
2. Retaliation against any employee for filing a harassment or discrimination complaint or for assisting in the investigation of such a complaint is illegal and is prohibited by this department and by federal statutes.
3. 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.
4. Monitoring to ensure that retaliation does not occur is the responsibility of the Chief of Police, supervisors and the internal investigative authority.

Samuel Hargadine, Chief of Police

WARNING

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for departmental administrative sanctions.