

# DALTON POLICE DEPARTMENT

	<i>Effective Date</i> <b>December 1, 1998</b>	<i>Number</i> <b>GO96-3.7</b>
<i>Subject</i> <b>Harassment and Discrimination in the Workplace</b>		
<i>Reference</i> <b>CALEA Standards – 26.1.1, 26.1.3</b>		<i>Revised</i> <b>January 28, 2020 February 22, 2022</b>
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## I. Policy

It is the policy of the Dalton Police Department that employees have the right to work in an environment free ~~of~~ from all forms of unlawful harassment and discrimination. This Department shall not tolerate, condone, or allow harassment by employees, whether sworn, ~~civilian non-sworn~~, volunteer (including ~~Explorer Scouts~~ Public Safety Cadets), or other non-employees who conduct business with this ~~Agency~~ Department. This Department considers ~~the~~ harassment and discrimination of others a form of serious employee misconduct. Therefore, the 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 Department policy can lead to discipline up to and including termination.

## II. Procedures

### A. Prohibited Activity

1. No employee shall, either explicitly or implicitly, ridicule, deride, or belittle any person because of the individual's race, color, creed, religion, gender, sexual orientation, national origin, age, disability, or status as a member of the United States armed forces, including the National Guard and Reserves.
2. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, which are based on race, color, creed, religion, gender, sexual orientation, national origin, age, disability, or status as a member of the United States armed forces, including the National Guard and Reserves. Such harassment is a prohibited form of discrimination under state and federal employment law and / or is also considered misconduct subject to disciplinary action by this Department.
3. Sexual harassment is defined as unwelcome words or behaviors, such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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- 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 has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.
4. Both men and women are protected from sexual harassment. Prohibited conduct includes any gender-based harassment of any of the following types:
- a. Harassment of females by males
  - b. Harassment of males by females
  - c. Harassment of males by males
  - d. Harassment of females by females
5. Individuals covered under this policy include Department members, defined as employees and applicants for employment with the Department, whether sworn or ~~civilian non-sworn~~, and all volunteers, including, but not limited to, ~~Explorer Scouts~~ Public Safety Cadets.

**B. Employee Responsibilities**

1. Each Supervisor shall be responsible for preventing acts of harassment and discrimination. This responsibility includes:
  - a. Monitoring the ~~unit~~ work environment of the shift or unit on a daily basis for signs that harassment may be occurring.
  - b. Counseling all employees on the types of behavior prohibited and the Department procedures for reporting and resolving complaints of harassment.
  - c. Stopping any acts that they observe that may be considered harassment and taking appropriate steps to intervene, whether or not the involved employees are within his / her span of control.
  - d. Taking immediate action to prevent retaliation against the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment, pending investigation.
    - (1) If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant / accused.

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- (2) 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.
  - e. Reporting every instance in which he / she observes or receives a complaint about unlawful harassment to the Chief of Police or his / her designee.
  - f. Failure to carry out these responsibilities shall be considered in any evaluation or promotional decision and may be grounds for discipline.
2. Each Supervisor has the responsibility to assist any employee of this Agency Department who comes to that Supervisor with a complaint of harassment in documenting and filing a complaint.
  3. Each employee is responsible for assisting in the prevention of harassment through the following acts:
    - a. Refraining from participation in, or encouragement of, actions that could be perceived as unlawful harassment.
    - b. Reporting acts of unlawful harassment to a Supervisor.
    - c. Encouraging any employee who confides that he or she is being unlawfully harassed or discriminated against to report these acts to the proper Supervisor.
  4. Failure of any manager, Supervisor, or employee to carry out the above responsibilities shall be considered in any performance evaluation or promotional decision and may be grounds for discipline.

#### C. Complaint Procedures

1. Any employee encountering unlawful harassment is encouraged to tell the person that his or her actions are unwelcome and offensive. The employee is encouraged to document all incidents of unlawful harassment in order to provide the fullest basis for investigation.
2. Any employee who believes that he or she is being unlawfully harassed must report the incident(s) as soon as possible so that appropriate steps may be taken to stop the harassment, to protect the employee from further harassment, and so that appropriate investigative and disciplinary measures may be initiated, if warranted. Where the employee does not feel comfortable reporting the unlawful harassment to the employee's own Supervisor, or where the source of the unlawfully harassing behavior is in the employee's chain of command, the employee may instead file a complaint with the appropriate Division Commander, the Chief of Police, the City of Dalton Human Resources Director, or the City Administrator.

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- a. The Supervisor, or other supervisory person to whom a complaint is made, shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the harassment, any witnesses to the incident(s), and the date(s) on which it occurred.
  - b. The employee receiving the complaint must promptly submit a confidential memorandum documenting the complaint to the appropriate Division Commander.
  - c. The Supervisor or manager who becomes aware of such an unlawful harassment complaint has a duty to report the complaint to the appropriate Division Commander, even if the complaining employee does not wish to make such a report.
3. The Professional Standards Unit shall be responsible for investigating any complaint alleging harassment or discrimination.
- a. The ~~Investigator~~ Professional Standards Unit shall immediately notify the Chief of Police if the complaint contains evidence of criminal activity, such as battery, rape, or attempted rape.
  - b. The ~~Investigator's~~ Professional Standards Unit's report shall be in writing and shall include a determination as to whether other employees were unlawfully harassed by the accused person and whether other members participated in, encouraged, or ignored the harassment.
  - c. The Chief of Police shall inform the parties involved of the outcome of the investigation.
  - d. A file of harassment and discrimination complaints shall be maintained in a secure location by the Chief of Police's Administrative Assistant.
  - e. Violations of this policy shall be handled in accordance with policy GO88-2.14, Rules of Conduct.
4. Each party's confidentiality shall be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.
5. Employees found guilty of harassment may file a grievance / appeal in accordance with policy GO11-3.18, Grievance Procedures, when they disagree with the investigative report or with the disposition of a harassment claim.

#### D. Retaliation

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1. 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 illegal and is prohibited by this Department and by federal statutes.
2. Such retaliation is a form of employee misconduct. Any evidence of such 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.
3. Monitoring to ensure that retaliation does not occur is the responsibility of the Chief of Police, Supervisors, and the appropriate Division Commander.

*This policy supersedes any previous policies issued.*

**BY ORDER OF**

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**CHIEF OF POLICE**

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