



# BETHLEHEM POLICE DEPARTMENT

<b>Discrimination - Illegal Harassment, Sexual Harassment, Sexual Discrimination</b>	<b>Related Policies:</b>
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
<b>Applicable State Statutes:</b>	
<b>CALEA Standard: 26.1.3</b>	
<b>Date Implemented:</b>	<b>Review Date:</b>
<b><u>Note: This policy is to be read in conjunction with and addition to the applicable City or Town Policy covering all forms of illegal harassment and discrimination.</u></b>	

- I. **Purpose:** The purpose of this policy is to prohibit illegal harassment, sexual harassment and discrimination within this agency. The policy also provides for the reporting and department response to all forms of harassment or discrimination.
- II. **Policy:** It is the policy of this department to prohibit illegal harassment, sexual harassment or sexual discrimination in any form and to provide employees with a mechanism for reporting and resolving allegations of illegal harassment, sexual harassment and discrimination.
- III. **Definitions:**
  - A. Illegal harassment is considered a form of discrimination and is defined as any conduct directed toward another because of that person's race, color, religion, age, gender, sexual orientation, national origin, ancestry, disability, or veteran status, or any other basis that is inappropriate or offensive as determined by using a reasonable person standard. The "reasonable person" standard considers whether a reasonable person would find the behavior or conduct in question offensive.
  - B. **Sexual Harassment** - Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct when:
    1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
    2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
    3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.



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## C. Two Types of Sexual Harassment:

1. **Quid Pro Quo Harassment:** A circumstance by which an employee is afforded a favorable employment action in exchange for a sexual favor. Examples:
  - i. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
  - ii. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
  - iii. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
2. **Hostile Work Environment:** A circumstance by which an employee is confronted with an environment involving sexually explicit language, photos, or conduct. Examples:
  - i. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
  - ii. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
  - iii. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

## D. Sexual Harassment Progression:

1. **Non-Physical**
  - i. Pressure for Dates
  - ii. Sexual Jokes
  - iii. Teasing
  - iv. Remarks
  - v. Questions
  - vi. Suggestive Looks/Gestures/Leering
2. **Physical/Non-Physical Intimidation:**
  - i. Sexual Favors
  - ii. Pinching



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- iii. Touching
- iv. Phone Calls
- v. Blocking
- vi. Cornering
- vii. Sending Materials of Sexual Nature

## 3. Physical/Bodily Harm

- i. Sexual Assault
- ii. Attempted Sexual Assault

**E. Sexual Discrimination:** The disparate treatment of an employee with respect to work benefits, conditions, assignments, promotions, etc. based upon the gender of the employees unless such disparate treatment is necessary based upon some bona-fide occupational qualification i.e. undercover assignment where a male is necessary due to the nature of the infiltration.

**F. Prohibited Conduct:** This agency will not tolerate any form of illegal harassment, including any behavior on the part of employees, clients, customers, vendors, etc., that impairs an employee's ability to perform his/her duties. Examples of illegal harassment include, but are not limited to:

1. Verbal conduct such as epithets, derogatory comments, slurs, or unwanted sexual advances, invitations, or sexually degrading or suggestive words or comments made in person, in writing, via telephone or via electronic means.
2. Visual conduct such as derogatory posters, notices, photographs, cartoons, drawings, gestures, leering, or displaying sexually suggestive objects or pictures.
3. Physical conduct such as unwanted touching, impeding or blocking normal movement, or interfering with work or movement.
4. Threats or demands either direct or veiled, to submit to sexual requests in order to keep a job or avoid some job-related loss, and offers of job benefits in return for sexual favors.
5. Retaliation for opposing, reporting, or threatening to report harassment, assisting another employee in filing an illegal harassment complaint, or for participating in a harassment investigation, proceeding, or hearing.

**IV. Procedure:** Supervisors and all employees have an obligation to provide a work- environment free of all harassment. This includes taking steps to insure that the agency is in a position to control prohibited harassment whether it is done by supervisors, co-workers or non-employees (such as vendors working with the agency or supplying services).



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- A. **Reporting Requirements:** All employees within the agency have an obligation to promptly report violations of this policy. This would include illegal harassment, sexual harassment, sexual discrimination or indicators of a hostile, offensive work environment that the employee experiences, witnesses, or otherwise has knowledge of.
  - B. The department shall promptly investigate all complaints regarding harassment or discrimination regardless of their origin.
  - C. Complaints should be made to an employee's immediate supervisor. If the immediate supervisor is involved in the allegation or the employee is uncomfortable with making a report to their immediate supervisor, they may by-pass the chain of command in order to report the harassment or discrimination. Alternate reporting options include, the human resource manager, Town Administrator or Town Manager.
  - D. Once an allegation is made steps should be taken to separate the involved employees while an investigation into the allegations is conducted. The separation should be undertaken in an equitable manner which is non-punitive in nature. In no case will the complaining employee be forced to change assignments against their choice. The supervisor is required to immediately stop any conduct which might continue or aggravate the allegation(s).
  - E. All allegations of illegal harassment, sexual harassment or sexual discrimination shall be documented and forwarded up the chain of command to the Chief of Police.
  - F. All complaints of illegal harassment, sexual harassment or discrimination shall be immediately and thoroughly investigated.
  - G. The alleged victim of the illegal harassment, sexual harassment shall be kept informed of the progress of the investigation.
  - H. At the conclusion of the investigation, the alleged victim and the accused employee should be informed of the conclusions reached by the investigation.
  - I. Where evidence is established to sustain a violation of this policy, immediate disciplinary action shall be taken against the offending employee, up to and including termination from employment with this agency.
- V. **Retaliation:** No employee shall be retaliated against for reporting allegations of illegal harassment, sexual harassment or discrimination. Any employee who believes/he has been retaliated or discriminated against in any manner whatsoever as a result of having filed a complaint, assisted another employee in filing a complaint, or participated in an investigative process should immediately notify the EEO Officer or the alternate.
- VI. **Training:** The department shall conduct annual training regarding illegal harassment, sexual harassment and sexual discrimination for all employees that includes instruction on the reporting requirements of such conduct. This training shall be documented to ensure that all employees received the training.