

JOPLIN POLICE DEPARTMENT	2-09 STANDARD OPERATING GUIDELINE
SUBJECT: Workplace Harassment	REVIEW DATE: Annually - February
EFFECTIVE DATE: January 31, 2013	ACTION DATE:
AMENDS/SUPERSEDES: 1-09, February 1st, 2007	AMEND DATE: January 31, 2013
ACCREDITATION INDEX: 26.1.3	APPROVED:  Chief of Police

I. POLICY

The department's policy is to provide a professional, businesslike work environment free from all forms of employee discrimination including incidents of sexual harassment. No employee shall be subjected to unsolicited and unwelcomed conduct either verbal or physical based on the employees age, gender, race, religion, or national origin. The harassing behavior, to be subject to this order, need not occur only during work hours on agency premises, but may occur before or after work at other locations. Workplace harassment is misconduct and the department shall apply appropriate disciplinary sanctions.

II. PURPOSE

To define and give examples of workplace harassment, outline prohibited behavior, and describe reporting procedures.

III. DEFINITIONS

A. Sexual harassment (26.1.3)

The Civil Rights Act of 1964 prohibits discrimination based on color, race, religion, age, national origin, and sex. Sexual harassment is a form of sex discrimination, defined as unwelcome sexual advances, requests for favors, and other verbal or physical conduct that enters into employment decisions, or conduct that unreasonably interferes with an employee's work performance or which creates an intimidating, hostile, or offensive working environment. Two kinds of sexual harassment apply; *quid pro quo* harassment and hostile work environment harassment, defined below. The two forms of harassment may overlap.

B. Quid pro quo harassment (26.1.3)

This form of harassment occurs when an employee is being pressured to engage in sexual conduct or else lose a tangible job benefit. (*Quid pro quo* means "something for something.") This form of harassment usually occurs between a supervisor and a subordinate where the harasser has power to control the employee's work benefits or conditions. Note that this form of harassment is not limited to express demands for sexual favors, but may be implied by circumstances (e.g., offering an employee sexually explicit magazines).

1. Examples of this form of harassment include a request for sexual favors, accompanied by implied or overt threats concerning a person's employment status, or promise of preferential treatment in terms of benefits or status; granting job favors to those who participate in consensual sexual activity while penalizing those who refuse to participate; unwanted, intentional touching (patting, massaging, rubbing, hugging, pinching); telephoning or

following an employee, during work hours or not, and either harassing the employee or requesting sexual favors.

C. Hostile work environment harassment (26.1.3)

This form of harassment is **unwelcome** conduct that is so severe or pervasive as to change the conditions of the victim's employment, thus creating an intimidating, hostile, or offensive work environment.

1. A hostile environment exists when the employer tolerates unwelcome, pervasive conduct including sexual comments of a provocative or suggestive nature; jokes or innuendos intended for and directed to another employee; leaving sexually explicit books, magazines, photographs where employees will find them; unwelcome demeaning comments (such as talking about physical attributes), ridicule, offensive language, propositions or other similar actions; unwanted, unwarranted, unsolicited off-duty telephone calls and contact; signed or anonymous notes or drawings placed on or in desks, bulletin boards, or in lockers; deliberately singling out women in front of men co-workers (or *vice versa*) and subjecting them to demeaning or derogatory remarks.

D. Victim

The victim of sexual harassment may be a woman or a man who is an employee or agent of the City.

E. Harasser

The harasser may be the victim's supervisor, a manager, an agent of the City, a supervisor in another work area, or a co-worker. The harasser may be a non-employee, such as an elected or appointed official in whatever form, a citizen, vendor, or repair person who does business on the City's premises.

IV. PROHIBITED CONDUCT

- A. Supervisors shall ensure that pornographic or suggestive photographs, illustrations, or cartoons shall not be posted or kept in any work area. Materials of this kind used for investigative purposes shall be properly secured according to evidentiary standards.
- B. Supervisors shall order employees who are making hostile comments, put-downs, or degrading remarks about other persons based upon that persons age, gender, race, religion, or national origin to cease or face discipline.
- C. Employees shall avoid physical contact with one another unless required by a training situation or police procedure. Kissing, back rubbing, embracing, and other unnecessary touching are prohibited among City employees.
- D. Personnel shall not retaliate against any person for reporting workplace harassment, giving testimony, or participating in the investigation. Retaliation in any form will result in discipline.

V. PROCEDURES (26.1.3)

- A. An employee who believes he or she has been sexually harassed or believes that another employee is being sexually harassed or experiencing other job-related harassment or forms of discrimination, should promptly report the incident to the Human Resources Director, or to the City Attorney if the Human Resource Director is the alleged wrongdoer.
 1. If the harasser is not an employee or agent of the City, the complaint itself is considered no less valid and shall be investigated according to the procedures set forth in this order.

2. If the complainant is not an employee or agent of the City, the complaint shall be investigated according to the procedures set forth in SOG 2-08, Internal Affairs.
 3. Employees must understand that sexual harassment can become a criminal matter. Allegations of stalking (§ 14.2A-C RSMo.) or sexual offenses (§ 566 RSMo.) shall be handled immediately as criminal investigations.
- B. When an employee reports an allegation of workplace harassment to Human Resources, they will promptly begin a confidential investigation.
- C. For further information, refer to the City of Joplin Employee Manual 8.2, Policy Against Sexual Harassment and Other Forms of Harassment and Discrimination.

VI. COMPLIANCE

Violations of this policy, or portions thereof, may result in disciplinary action as described in the City of Joplin's Personnel Rules or the Joplin Police Department's Rules and Regulations and General Orders. Members of the Joplin Police Department, while assigned to or assisting other agencies shall comply with this policy.

VII. APPLICATION

This document constitutes department policy, is for internal use only, and does not enlarge an employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense, with respect to third party claims insofar as the employee's legal duty as imposed by law. Violations of this policy, if proven, can only form a basis of a complaint by this department, and then only in a non-judicial administrative setting.