

**POLICY
1028**

**EFFECTIVE
DATE
1-15-15**

Eugene Police Department



Workplace Harassment Prevention

1028.1 PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to sexual harassment or discrimination.

1028.2 POLICY

The Eugene Police Department is an equal opportunity employer and is committed to creating and maintaining a safe work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive, corrective and disciplinary action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline, up to and including dismissal.

1028.3 DEFINITIONS:

1028.3.1 SEXUAL HARASSMENT DEFINED

The Department defines Sexual Harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. An employment decision affecting that individual is made because the individual submitted to or rejected the unwelcome conduct; or
- b. The unwelcome conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or abusive work environment.

1028.3.1 HOSTILE WORK ENVIRONMENT DEFINED

The Department defines a Hostile Work Environment as any harassment, including sexual, that is sufficiently severe **or** persistent enough to deny, limit, or impede the productivity, satisfaction, benefit or sense of security in the workplace. In some instances, a single incident can create a hostile work environment.

1028.4 SEXUAL HARASSMENT PROHIBITED

Certain behaviors, such as conditioning promotions, awards, training or other job benefits upon acceptance of unwelcome actions of a sexual nature, are always inappropriate and prohibited.

Unwelcome actions such as the following are inappropriate and, depending on the circumstances, may in and of themselves meet the definition of sexual harassment or contribute to a hostile work environment:

- a. Sexual pranks, or repeated sexual teasing, jokes, or innuendo, in person or via e-mail, text, etc;
- b. Verbal abuse of a sexual nature;
- c. Touching or grabbing of a sexual nature;
- d. Repeatedly standing too close to or brushing up against a person;
- e. Repeatedly asking a person to socialize during off-duty hours when the person has said no or has indicated he or she is not interested (supervisors in particular should be careful not to pressure their employees to socialize);
- f. Giving gifts or leaving objects that are sexually suggestive;
- g. Repeatedly making sexually suggestive gestures;
- h. Making or posting sexually demeaning or offensive pictures, cartoons or other materials in the workplace;
- i. Unwelcome conduct or contact off-duty of a sexual nature that affects the work environment.

A victim of sexual harassment can be a man or a woman. The victim can be of the same sex as the harasser. The harasser can be a supervisor, co-worker, other Department employee, or a non-employee who has a business relationship with the Department.

1028.5 DISCRIMINATION PROHIBITED

The Department prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to the department commitment to a discrimination free work environment.

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination or sexual harassment, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- a. Acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission (EEOC) and *ORS 659A.030(1)(a)*.
- b. Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

1028.6 DEPARTMENT RESPONSIBILITIES

If EPD supervisors, employees, the Police Auditor, the City Manager or the Human Resources office receives an allegation of sexual harassment, or has reason to believe sexual harassment is occurring, it will take the necessary steps to ensure that the matter is promptly investigated and addressed. If the allegation is determined to be credible, the Department will take immediate and effective measures to end the unwelcome behavior. The Department is committed to take action if it learns of possible sexual harassment, even if the individual does not wish to file a formal complaint.

The City's Human Resource's Office is the primary contact point for questions or concerns about sexual harassment. The Police Chief (or the City Manager if the complaint is against the Chief) has the responsibility for determining the appropriate investigative body (including externally) of alleged sexual harassment. The City and the Chief are committed to ensuring that all investigations of sexual harassment are conducted in a prompt, thorough, and impartial manner.

Supervisors and other responsible Department officials who observe, are informed of, or reasonably suspect incidents of possible sexual harassment must immediately report such incidents to their chain of command, the Police Chief or the Police Auditor, who will either initiate or oversee a prompt investigation. Failure of Supervisors or other responsible Department officials to report such incidents will be considered a violation of this policy and may result in disciplinary action. The Police Auditor and/or Human Resources will provide guidance as needed on investigating and handling the potential harassment. Supervisors should take effective measures to ensure no further apparent or alleged harassment occurs pending the completion of an investigation.

The Department will seek to protect the identities of the alleged victim and harasser, except as reasonably necessary (for example, to complete an investigation successfully). The Department will also take the necessary steps to protect from retaliation those employees who in good faith report incidents of potential sexual harassment. It is a violation of both federal law and this policy to retaliate against someone who has reported possible sexual harassment. Violators may be subject to discipline.

Employees who have been found by the Department to have subjected another employee to unwelcome conduct of a sexual nature, whether such behavior meets the legal definition of

sexual harassment or not, will be subject to discipline or other appropriate management action. Discipline will be appropriate to the circumstances, ranging from a letter of reprimand through suspensions without pay of varying lengths to separation for cause. A verbal or written coaching or counseling, while not considered formal discipline, may also be considered.

All complaints of workplace harassment, regardless of merit or circumstances, which are reported to a supervisor, must be forwarded through the chain of command to the Office of Professional Standards Lieutenant. He or she will evaluate the complaint, make the proper and required notifications (Auditor, Human Resources, etc.) and determine the next investigative steps.

A written record of the investigation will be completed and will be assigned an IA number.

The Office of Professional Standards Lieutenant, or their designee, will consult with the complainant once the investigation is complete and follow up with them about the investigation and its results.

1028.7 DEPARTMENT MEMBER RIGHTS UNDER THIS POLICY

Any employee who believes he or she has been the target of sexual harassment is encouraged to inform the offending person orally or in writing that such conduct is unwelcome and offensive and must stop.

If the employee does not wish to communicate directly with the offending person, or if such communication has been ineffective, the employee has multiple avenues for reporting allegations of sexual harassment and/or pursuing resolution.

Employees are encouraged to report the unwelcome conduct as soon as possible to a department supervisor, Human Resources, the City Manager or the Police Auditor. It is usually most effective -- although it is not required--that the official be within the employee's supervisory chain. Department supervisors include first- or second-line supervisors, the offending person's supervisor, Captains, division managers, and the Chief of Police. In addition to reporting sexual harassment concerns to a supervisor, employees who believe they have been subjected to sexual harassment may elect to pursue resolution in several ways, including:

- a. Mediation: Mediation is an informal way to resolve office problems using a trained mediator who facilitates communication between the parties to the dispute. If a resolution is not reached, the parties may continue to pursue their rights in any other appropriate forum. Employees may ask for the assistance of a mediator through the Police Auditor or a member of the chain of command.
- b. Grievances: EPD employees who are not covered by a negotiated grievance procedure cannot bring grievances on Equal Employment Opportunity (EEO) matters. Eugene Police Department employees who are covered by a negotiated grievance procedure may only file a grievance alleging sexual harassment or other EEO matters if permitted by the governing collective bargaining agreement.
- c. EEO processes: Any employee can file an EEO complaint with the Department or the Human Resources Department. An employee who wishes to file a complaint under EEO procedures must consult an EEO counselor within 45 days of the alleged incident. A list of EEO counselors is available on Human Resource's website. It is not necessary

for an employee to complain to his/her supervisor before approaching an EEO counselor, nor to attempt informal resolution through mediation or other means.

1028.8 COMPLIANCE

All Department employees, including but not limited to staff, supervisors, senior officials, and volunteers are required to comply with this policy. A copy of this policy will be presented to each new member of the Department. Employees are also expected to behave professionally and to exercise good judgment in work-related relationships, whether with fellow employees, business colleagues, or members of the public with whom they come into contact in the course of official duties. Further, all employees are expected to take appropriate measures to prevent sexual harassment. Unwelcome behavior of a sexual nature should be stopped before it becomes severe or pervasive and rises to a violation of law.

1028.9 QUESTIONS REGARDING SEXUAL HARASSMENT OR THIS POLICY

Department members with questions regarding sexual harassment or this policy are encouraged to contact a supervisor, manager, the Chief of Police, the Police Auditor, the City of Eugene Human Resource Manager or the Eugene City Manager.