

1.02-12

**DAYTON POLICE DEPARTMENT
GENERAL ORDER
PERSONAL HARRASSMENT AND
EEO COMPLAINTS**



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REV. 9/18

POLICY STATEMENT

It is the policy of the Dayton Police Department to guard against improper conduct in order to maintain a quality working environment for all employees of this department. Employees are entitled to a workplace free from intimidation, humiliation, insult, physical abuse, verbal abuse or actions of a sexual, ethnic, racial, religious, political affiliation or handicap nature.

I. DEFINITIONS

- A. **PERSONAL HARASSMENT** – Personal harassment includes unwelcome sexual advances or requests for sexual favors or sexual, racial, ethnic, religion, political affiliation or handicap related jokes, comments, insults, cartoons or innuendoes or other verbal or physical conduct that could be construed as offensive or sexual in nature when:
- Submission to such conduct is made explicitly or implicitly a term or condition of employment.
 - Submission to or rejection of such conduct by an employee is used as the basis for any employment decision affecting that individual.
 - Such conduct has the purpose or effect of interfering with an employee's work performance or creates an intimidating, hostile or offensive workplace.
- B. **EEO COMPLAINT** – An allegation that employment-related discrimination has occurred because of race, color, religion, sex, national origin, age, ethnic heritage, political affiliation, or handicap.

II. POLICY - (See also City of Dayton Personnel Policies and Procedures Policy 1.07 – Anti-Harassment and Discrimination)

- A. The City of Dayton strives to create and maintain a work environment in which people are treated with dignity, decency and respect.
- B. The City's environment should be characterized by the absence of intimidation, oppression and exploitation. Employees should be able to work and learn in a safe environment
- C. The City will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by the education of employees, the City will seek to prevent, correct and discipline any behavior that violates this policy.
- D. All employees, regardless of their position, are covered by and are expected to comply with this policy.
- E. All employees are required to take appropriate measures to ensure that prohibited conduct does not occur.
- F. Appropriate disciplinary action, up to and including discharge, will be taken against any employee who violates this policy.

III. PROCEDURES – (See also City of Dayton Personnel Policies and Procedures Policy 1.07 – Anti-Harassment and Discrimination)

A. PROHIBITED CONDUCT

1. Discrimination

- a. It is a violation of this policy to discriminate in the provision of employment opportunities, benefits or privileges, to create discriminatory work conditions, or to use discriminatory evaluative standards in employment, if the basis of that discriminatory treatment is the person's race, color, national origin, age, religion, disability status, gender, gender identity, sexual orientation, pregnancy or marital status.
- b. Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including, but not limited to: Title VII of the Civil Rights Act 1964; the Age Discrimination Act of 1975; the Americans with Disabilities Act of 1990; and Ordinances of the City of Dayton. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

2. Harassment

- a. Harassment, including sexual harassment, is prohibited by federal, state, and local laws. This policy prohibits harassment of any kind, and the City will take appropriate action to address any violations of this policy.
- b. The definition of harassment is: verbal or physical conduct designed to threaten, intimidate or coerce. Also, verbal taunting (including, but not limited to, racial and ethnic slurs) which, impairs an employee's ability to perform his or her job).
- c. Examples of harassment include, but are not limited to:
 - Verbal: Comments which are not flattering regarding a person's race, color, nationality, origin, age, religion, disability status, gender, gender identity, sexual orientation, pregnancy, marital status or other protected status. Epithets, slurs, negative stereotyping.
 - Non-verbal: Distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual or group because of nationality, origin, race, religion, age, gender, sexual orientation, gender identity, pregnancy, disability, marital status or other protected status.

3. Sexual Harassment

- a. Sexual harassment in any form is prohibited under this policy. Sexual harassment is unlawful under Title VII of the Civil Rights Act of 1964.
- b. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for employment decisions or such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
- c. Sexual harassment includes unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when such conduct:
 - Is made explicitly or implicitly a term or condition of employment, or
 - Is used as a basis for an employment decision, or
 - Unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or otherwise offensive environment.
- d. Sexual harassment refers to behavior that is unwelcome and is personally offensive, and therefore interferes with an individual's work. Sexual harassment may take different forms.

Examples of conduct that may constitute sexual harassment include, but are not limited to:

- 1) Verbal: Sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, or lewd remarks. Requests for any type of sexual favor (this includes repeated, unwelcome requests for dates). Verbal abuse or "kidding" which is oriented towards a prohibitive form of harassment, including that which is sex oriented and considered unwelcome.

- 2) Nonverbal: The distribution, display, or discussion of any written or graphic sexual material, including calendars, posters, magazines, and cartoons that are sexually suggestive, or shows hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; sexual content in letters and notes, facsimiles, or email, that is harassing and/or offensive in nature.
 - 3) Physical: Unwelcome, unwanted physical contact, including but not limited to, touching, pinching, kissing, fondling, forced sexual intercourse or assault.
 - 4) Normal, courteous, mutually respectful, pleasant, non-coercive interactions between employees, including men and women, that is acceptable to and welcomed by both parties, is not considered to be harassment, including sexual harassment (i.e., a hug).
- e. There are basically two types of sexual harassment:
- 1) "Quid pro quo" harassment, where submission to harassment is used as the basis for employment decisions. Employee benefits such as raises, promotions, better working hours, etc., are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment.
 - 2) "Hostile work environment" where the harassment creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment, whether it is supervisors, other employees, or customers. Hostile work environment harassment consists of verbal conduct of a sexual nature, unwelcome sexual materials, or even unwelcome physical contact as a regular part of the work environment.
- f. What you should do if you are a victim of sexual harassment:
- 1) If you are the recipient of any unwelcome gesture or remark of a sexual nature, do not remain silent.
 - 2) Make it clear to the harasser that you find such conduct offensive and unwelcome.
 - 3) State clearly that you want the offensive conduct to stop at once.
 - 4) If the conduct does not stop after you speak with the harasser or after you have gone to the harasser's supervisor, you should then notify the Department's EEO Officer (Assistant Chief of Police).

If the complaint involves a supervisor, the complaint will be filed directly with the Department's EEO Officer or with the Director of Human Resources.
 - 5) You must report the harassing conduct immediately to HR. The City cannot solve the problem if it is not aware that harassment is occurring.
 - 6) If you decide to file a complaint, please contact the HR Director and fill out the complaint form attached to this policy.

IV. PERSONAL HARASSMENT/ EEO VIOLATIONS - No employee of the Dayton Police Department shall personally harass another employee. No employee of the department shall initiate, engage in alone or with others, or encourage another to violate any portion of this section.

A. SUPERVISORS ACCOUNTABILITY

It shall be the responsibility of the Dayton Police Department to take appropriate action to prevent offensive physical and verbal conduct from occurring and to deal with all such reported incidents in a fair, impartial and speedy manner.

1. All complaints or incidents shall be investigated on a case-by-case basis.

2. When it is determined that a violation has occurred, action shall be taken to remedy the situation and to prevent any reoccurrence.
3. All supervisors shall be accountable to prevent personal harassment incidents from occurring within their work jurisdiction and to report any such incidents coming to their attention regardless of where they occur within the department.

B. REPORTING PERSONAL HARASSMENT

1. For the purposes of this type of complaint, the chain of command does not need to be followed. Any alleged acts should be reported immediately to his or her supervisor or to the Department's EEO Officer (Assistant Chief of Police).
2. If the complaint involves a supervisor, the complaint will be filed directly with the Department's EEO Officer or with the Director of Human Resources.
3. Complaints can either be Informal (Verbal) or Formal (Written via Special Report).
4. All complaints will be handled in a timely and confidential manner. Anyone involved in a complaint will be strongly discouraged from discussing the subject outside of the investigation. The purpose of this provision is to protect the confidentiality of the employee who files a complaint, to encourage the reporting of any incidents of personal harassment, and to protect the reputation of any employee wrongfully charged with personal harassment.
5. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. Employees shall be guaranteed an impartial and fair hearing. All employees shall be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or assisting in an investigation.
6. If the investigation reveals that the complaint is valid, prompt attention and disciplinary action designed to stop the harassment immediately and prevent recurrence will be taken.

C. REPORTING EEO COMPLAINTS (See also City of Dayton Personnel Policies and Procedures 8.06 – EEO Reporting)

1. As with Personal Harassment complaints, the chain of command does not need to be followed. Any alleged acts should be reported immediately to his or her supervisor or to the Department's EEO Officer.
2. Complaints can either be Informal (Verbal) or Formal (Written via Special Report).
 - Informal complaints will be referred to the EEO Officer as soon as possible.
 - Formal complaints will be filed with the EEO Officer or their designee, who will immediately forward a copy to the Human Relations Council.