

GENERAL ORDER 26.2.2

Harassment

GENERAL ORDER CROSS-REFERENCE: None.

SUMMARY

Establishes the Department's harassment policy and outlines reporting procedures.

DISCUSSION

The Department is committed to maintain a workplace free of harassment and will vigorously enforce the city and department policy of protecting all employees from being subjected to harassment. Department members must be in compliance with City Administrative Rule 03-08.03 addressing harassment and discrimination.

It is recognized that the determination of whether a particular action or incident is purely a personal, social relationship without a discriminatory employment effect requires a careful analysis of facts. Given the nature of this type of discrimination, it is also recognized that false accusation of harassment can have serious effects. It is expected that all Department members will continue to act responsibly to maintain a pleasant working environment free of harassment.

POLICY

I

It is a violation of Department policy for any employee to harass another employee. The City prohibits harassment of one employee by another employee, regardless of their working relationship or supervisory status. Specifically forbidden is harassment of a sexual, racial, ethnic, age, religious, color, gender or disability-related nature, or harassment of a person based on a perceived sexual, racial, ethnic, age, religious, color, gender or disability-related nature. Also prohibited is harassment based on another person's membership in a group protected by law or participation in legally protected activities.

Harassment is defined as behavior that:

- A. Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
- B. Has the purpose or effect of unreasonably interfering with an individual's work performance;

C. Otherwise adversely affects an individual's employment opportunity.

In determining whether the alleged harassment is sufficiently severe or pervasive to constitute a violation of Department policy, the Department shall adhere to the "reasonable person in the same or similar circumstances" standard for evaluating all incidents. Although harassing conduct usually must be severe and pervasive, an isolated incident could create a hostile work environment.

II

Sexual harassment in any form is prohibited and is illegal under Federal and State Laws. It is the policy of the Department to provide a workplace free of sexual harassment. For the purposes of this policy, sexual harassment is defined, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

Specifically all department members are prohibited from harassing another department member, male or female:

- A. By making a condition of continued employment, the acceptance of unwelcome sexual advance or requests for sexual favors or other verbal or physical conduct of a sexual nature; or
- B. By making submission to or rejection of such conduct on the basis of employment, evaluation or promotion decisions; or
- C. By creating an intimidating, hostile or offensive working environment by such conduct; or
- D. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

III

The Department encourages any member to report instances in which they think they have been subjected to harassment. The member should discuss the matter with his/her immediate supervisor. If the supervisor is involved in the harassment or the member is uncomfortable addressing the issue with the supervisor, the member may report the incident to any Department supervisor or manager, or the City's Human Resource Director. The employee may choose to report his or her complaint to whichever of these designated persons she or he feels most comfortable speaking with on any of these issues.

IV

Any supervisor receiving a report of harassment shall immediately inform the Chief of Police who will then inform the Human Resource Department. All complaints will be handled in a manner that will attempt to avoid embarrassment to the reporting member. Confidentiality will be maintained as far as practicable.

If the incident is isolated, of a less serious nature and the reporting member desires, the Chief of Police may attempt to resolve the complaint informally. Even if there is an informal resolution, the incident shall be documented and a written report forwarded to the Human Resource Department.

If, after investigation, it is determined that there is merit to the complaint, immediate and appropriate corrective action and/or discipline will be taken. Depending on the seriousness of the misconduct and the offending members' overall record, disciplinary action up to and including termination may be taken.

V

Any intimidation, coercion, discrimination or retaliation against an individual who files a complaint or who testifies, assists, or participated in any manner in an investigation will not be tolerated and will subject the offender to discipline up to and including termination. All such acts against complainants or other participants should be reported in the same manner as described in Section II of this policy.

VI

If a Department member is dissatisfied with the Department's decision, he/she may at any time elect to file a complaint with the Oregon State Bureau of Labor and Industries or the Federal Equal Employment Opportunity Commission.

Richard L. Lewis
Chief of Police