



# Ocean City Police Department

## General Order

<b>Subject:</b>	Workplace Related Harassment and Discrimination		<b>No.</b>
<b>Rescinds:</b> 500 H-1 (05/13/2008)	<b>Amends:</b>	<b>Related Directive:</b>	
<b>Approval Date:</b> 08/09/2011	<b>Effective Date:</b> 08/10/2011	<b>Distribution Date:</b> 08/10/2011	<b>Distribution Type:</b> A
<b>References:</b> C.A.L.E.A. 26.1.3 I.A.C.P. Model Policy on Harassment and Discrimination Town of Ocean City Personnel Policy on "Harassment Free Workplace"			

### TABLE OF CONTENT

- I. Purpose
- II. Definitions
  - A. Objectively Unreasonable
  - B. Harassment
  - C. Discrimination
  - D. Retaliation
  - E. Sexual Harassment
- III. Policy
- IV. Prohibitions
- V. Supervisors' Responsibilities
- VI. Employees' Responsibilities
- VII. Complaint Procedures and Offended Employee's Responsibilities
- VIII. Retaliation
- IX. Training
- X. Compliance

## I. Purpose

The Department strives to ensure all personnel experience a workplace free of harassment and discrimination. The purpose of this Policy is to apply the standards set forth in the Town of Ocean City's Harassment Free Workplace Policy in order to:

- A. Maintain a healthy work environment in which all individuals are treated with respect and dignity;
- B. Provide standard procedures for reporting, investigating and resolving perceived and/or actual cases of harassment and/or discrimination;
- C. Heighten awareness of what is and is not appropriate behavior in a modern, professional workplace.

## II. Definitions

- A. **Objectively Unreasonable:** That which a person of normal sensibilities would find offensive in a modern, professional workplace.
- B. **Harassment:** Any form of conduct that is objectively unreasonable and could result in a hostile or intimidating environment, including but not limited to: sexual, verbal, non-verbal, physical, and/or written or pictorial subjects or behaviors.
- C. **Discrimination:** A failure to treat all persons fairly where no appropriate causal distinction exists between those favored and those not favored.
- D. **Retaliation:** An adverse employment action taken against an employee because he/she who opposes unlawful employment practices, complains about discrimination in the workplace or participates in an employment proceedings, such as testifying in a co-employee's discrimination suit.
- E. **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment, or
  2. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
  3. Such conduct is objectively unreasonable even though it may not interfere with an employee's work performance or create an intimidating, hostile or offensive working environment to any employee.

**III. Policy**

It is the policy of the Department that all employees have the right to work in an environment free of harassment and discrimination by sworn or non-sworn employees, volunteers, or other non-employees who conduct business with the Department. Consequently, harassment and discrimination are considered serious forms of misconduct and are prohibited in the Ocean City Police Department, whether or not they are also illegal. Employees who observe or have knowledge of activities prohibited by this order shall immediately report those activities to the Office of Professional Standards through their chains of command.

**IV. Prohibitions**

Prohibited activities under this policy include but are not limited to:

- A. Explicitly or implicitly ridiculing, mocking, or belittling any person.

Example: Assignment of an employee to complete demeaning types of tasks that are not otherwise in his/her job description.

- B. Objectively unreasonable comments to any person, whether made directly or indirectly.

Example: Talking to one person but loudly enough for another to hear objectively unreasonable content.

- C. Slander, sabotage, ostracism, badgering, withholding resources, disruptive treatment and/or conduct that intimidates or is hostile.

Example: Failure to provide back-up service to another officer because of dislike, disrespect, or other inappropriate reason.

- D. Uninvited and professionally unnecessary physical contact and sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Example: The uninvited rubbing of a co-worker's shoulders when there is no reason to assume the contact is wanted by or acceptable to the person being touched.

- E. Objectively unreasonable words or actions toward another employee based on or referring to the other employee's race, sex, religion, national origin, color, sexual orientation, age or disability.

Example: Ethnic or gender related jokes.

**V. Supervisors' Responsibilities**

- A. In addition to complying with all foregoing requirements of this Policy, supervisors shall take all actions reasonably within their power to:
1. Assure that subordinate employees are aware of the types of behavior prohibited and the agency procedures for reporting and resolving complaints.
  2. Continuously monitor the work environment for signs that harassment and discrimination may be occurring.
  3. Stop any observed acts of harassment or discrimination whether or not the involved employees are within his/her chain of command.
  4. Prevent, utilizing all reasonable means, prohibited acts from occurring when he/she knows or should know that an employee will or is likely to perform such acts.
  5. Prevent retaliation towards an employee complaining of and/or bringing forward harassment and/or discrimination.
  6. Eliminate hostility in the work environment where there has been a complaint of harassment and/or discrimination.
  7. Take care to avoid action that punishes or appears to punish the complainant if a situation requires separation of involved parties.,
  8. Attempt to utilize only such measures as may be agreeable to involved employees if transfer or reassignment is an appropriate remedy. Involuntary measures designed to remedy such situations shall be used only as a last resort.
  9. Document, report through the chain of command, and appropriately investigate any behavior or alleged behavior prohibited by this policy that comes to his/her attention.
  10. Assist employees in documenting and filing a complaint when an employee comes to that supervisor with a complaint of harassment and/or discrimination.
- B. Supervisors shall not make any employment decision that affects the terms, conditions, or privilege of an individual's employment based on the employee's race, sex, religion, national origin, color, sexual orientation, age, disability, or submission or non-submission to requests for dates or other social contact or sexual favors.

**VI. Employees' Responsibilities**

In addition to complying with all foregoing requirements of this Policy, all employees shall assist in the prevention of harassment and discrimination by:

- A. Refraining from participating in or encouragement of action that could be perceived as harassment and discrimination.
- B. Reporting observed acts of harassment and discrimination to the employee's immediate supervisor.
- C. Encouraging any employee who confides that he/she is being harassed or discriminated against to report these acts to his/her immediate supervisor.

**VII. Complaint Procedures and Offended Employee's Responsibilities**

- A. This Policy does not prohibit employees from filing a complaint with the Town of Ocean City's Department of Human Resources or an appropriate outside agency.
- B. Any employee who is experiencing harassment and/or discrimination shall:
  1. If practical, inform the offending person that his or her actions are unwelcome and/or offensive, as well as instruct the offender to stop the offensive behavior.
  2. Document incidents of harassment and discrimination in order to provide a better basis for departmental investigation.
  3. Report the incident(s) to his/her supervisor as soon as possible so that steps can be taken to protect the employee from further harassment and discrimination and so appropriate investigative and disciplinary measures can be initiated.
- C. When the immediate supervisor of the employee is involved in the harassment and/or discrimination, the employee may choose not to file a complaint with the immediate supervisor and may proceed to the involved supervisor's superior in the chain of command.
- D. The supervisor or other official to whom a complaint is made shall meet with the employee and document:
  1. Details of the incident(s) complained of by the employee
  2. The person(s) performing or participating in the harassment and discrimination

3. Witnesses to the incident(s)
  4. The date(s) and time(s) the incidents occurred
- E. The supervisor or other official taking the complaint shall submit a memorandum documenting the complaint to his/her division commander who will forward all information gathered on the matter to the Office of Professional Standards.
- F. The Office of Professional Standards is responsible for overseeing the investigation of any complaint alleging harassment and/or discrimination. The Office of Professional Standards may conduct the investigation or it may assign the investigation to command staff personnel.
- G. The assigned investigator shall:
1. Immediately notify the Office of Professional Standards if the complaint contains evidence of criminal activity such as battery, sex offense, or stalking.
  2. Determine whether other employees are being harassed or discriminated against by the offender, whether there are other similar offenders, and whether other department members participated in or encouraged the harassment or discrimination.
  3. Make a finding regarding the information gathered during the investigation and recommend the appropriate disposition or, in the case of a sustained complaint, appropriate disciplinary measures.
- H. All employees shall assure that, to the extent practical and appropriate under the circumstances, confidentiality is maintained throughout the complaint and investigatory processes.
- I. The Office of Professional Standards shall inform the parties involved and the parties' supervisors of the outcome of the investigation. Investigations resulting in the filing of administrative charges against an employee involved in harassment and/or discrimination will be adjudicated in compliance with State law and Town of Ocean City/ Department policy.

## **VIII. Retaliation**

- A. Retaliation against any employee for filing a harassment or discrimination complaint or for assisting, testifying or participating in the investigation of such a complaint is prohibited.
- B. Retaliation is considered misconduct and any evidence of retaliation shall be considered a separate violation of this policy. The same complaint procedure established herein for harassment and discrimination shall be used for all complaints of retaliation.

- C. It is the responsibility of all employees to ensure retaliation does not occur in matters of reported harassment and/or discrimination.

**IX. Training**

The Department will provide periodic training to all personnel in order to assure compliance with this Policy. Such training will be coordinated by the Training Section with assistance of the Office of Professional Standards and the Town of Ocean City's Department of Human Resources.