| Policy # 12.6<br><br>**Sexual Harassment, Sexual Discrimination** | Related Policies: |
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| *This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.* | |
| Applicable State Statutes: | |
| KACP Accreditation Standard: **30.4** | |
| Date Implemented: 09/15/2016 | Review Date: |
| **Note:** This policy is to be read in conjunction with the applicable City Policies covering sexual harassment/discrimination. | |

**I. Purpose:** The purpose of this policy is to prohibit sexual harassment, sexual misconduct and sexual discrimination within this agency. The policy also provides for the reporting and department response to sexual harassment or sexual discrimination.

**II. Policy:** It is the policy of this department to prohibit sexual harassment or sexual discrimination in any form and to provide employees with a mechanism for reporting and resolving allegations of sexual harassment and sexual discrimination.

**III. Definitions:**

**A. Sexual Harassment** - Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct when:

**a.** submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

**b.** submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or

**c.** Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

**B. Two Types of Sexual Harassment:**

**a. Quid Pro Quo Harassment:** A circumstance by which an employee is afforded a favorable employment action in exchange for a sexual favor. Examples:

i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; i.e. sexual favors in exchange for hiring.

ii. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, i.e. sexual favors in exchange for promotions, raises etc., or

**b. Hostile Work Environment:** A circumstance by which an employee is confronted with an environment involving sexually explicit language, photos, or conduct.

i. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

ii. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or

iii. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

**C. Sexual Harassment Progression:**

**a.** Non-Physical

i. Pressure for Dates

ii. Sexual Jokes

iii. Teasing

iv. Remarks

v. Questions

vi. Suggestive Looks/Gestures

**b. Physical/Non-Physical Intimidation:**

i. Sexual Favors

ii. Pinching

iii. Touching

iv. Phone Calls

v. Blocking

vi. Cornering

vii. Sending Materials of Sexual Nature

**c. Physical/Bodily Harm**

i. Sexual Assault

ii. Attempted Sexual Assault

D. **Sexual Discrimination:** The disparate treatment of an employee with respect to work benefits, conditions, assignments, promotions, etc. based upon the gender of the employees unless such disparate treatment is necessary based upon some bona-fide occupational qualification i.e. undercover assignment where a male is necessary due to the nature of the infiltration.

IV. **Procedure:** Supervisors and all employees have an obligation to provide a work environment free of all harassment. This includes taking steps to ensure that the agency is in a position to control prohibited harassment whether it is done by supervisors, co-workers or non-employees (such as vendors working with the agency or supplying services). Employees who believe they are being harassed also may report this harassment to EEOC.

A. **Reporting Requirements:** All employees within the Department have an obligation to promptly report violations of this policy. This would include sexual harassment, sexual discrimination or indicators of a hostile, offensive work environment that the employee experiences, witnesses, or otherwise has knowledge of.

B. The Department shall promptly investigate all complaints regarding harassment or discrimination regardless of their origin.

C. Complaints should be made to an employee's immediate supervisor. If the immediate supervisor is involved in the allegation or the employee is uncomfortable with making a report to their immediate supervisor, they may by-pass the chain of command in order to report the sexual harassment or sexual discrimination.

D. Once an allegation is made steps should be taken to separate the involved employees while an investigation into the allegations is conducted. The separation should be undertaken in an equitable manner which is non-punitive in nature. In no case will the complaining employee be forced to change assignments against their choice. The supervisor is required to immediately stop any conduct which might continue or aggravate the allegation(s).

E. All allegations of sexual harassment or sexual discrimination shall be documented and forwarded up the chain of command to the Chief of Police.

F. All complaints of sexual harassment or sexual discrimination shall be immediately and thoroughly investigated.

G. The alleged victim of the sexual harassment shall be kept informed of the progress of the investigation.

H. At the conclusion of the investigation, the alleged victim and the accused employee should be informed of the conclusions reached by the investigation.

I. Where evidence is established to sustain a violation of this policy, immediate disciplinary action shall be taken against the offending employee, up to and including termination from employment with this agency.

J. No employee shall be retaliated against for reporting allegations of sexual harassment or sexual discrimination.

V. **Training:** The department shall conduct annual training regarding sexual harassment and sexual discrimination for all employees that includes instruction on the reporting requirements of such conduct. This training shall be documented to ensure that all employees received the training.