SNOW HILL POLICE DEPARTMENT
PERSONNEL DIRECTIVE

Discrimination & Harassment

Distribution:	All Employees			**Index:**	**PER 02.02**		
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.01 Purpose

To establish a procedure and resolve complaints of discrimination and harassment.

.02 Policy

The SHPD prohibits discrimination and/or harassment based on age; ancestry; color; creed; gender identity or expression; genetic information; marital status; mental or physical disability; national origin; pregnancy; race; religious affiliation, belief or opinion; sex; or sexual orientation.

.03 Definitions

DISCRIMINATION: unequal treatment of persons for reasons unrelated to ability, including those acts prohibited by federal and State law.

HARASSMENT: any form of conduct that is objectively unreasonable or offensive and that could result in a hostile or intimidating working environment.

RETALIATION: taking action against an employee because he has opposed any unlawful employment practice, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under 42 USC, Section 2000e - 3(a).

.04 References

42 U.S.C. 2000e, Equal Employment Opportunities.

29C.F.R. §1604.11.

EEOC Policy Guidance on Sexual Harassment, Number N-915-050 (1990). et seq.

MD. CODE ANN., STATE PERS. & PENS. §11–101. *et seq*.

EXECUTIVE ORDER 01.01.2007.16, Code of Fair Employment Practices.

International Association of Chiefs of Police Model Policy, *Harassment & Discrimination*.

.06 Procedures

A. Discrimination and / or harassment based on age; ancestry; color; creed; gender identity or expression; genetic information; marital status; mental or physical disability; national origin; pregnancy; race; religious affiliation, belief or opinion; sex; or sexual orientation is prohibited by the statutes, rules and regulations in Subsection .05, above.

B. The policies and procedures contained in this section apply to all employee-to-employee and employee-to-citizen contacts as listed in subsection E of this section.

C. Harassment

   1. May be present in varying degrees.

2. Is generally applied or defined by the individual or group affected;
3. Includes:
    a. using or condoning the use of derogatory or demeaning words, phrases, written material or mimicking;
    b. retaliating or encouraging retaliation against a person who is exercising his rights about discriminatory acts.

D. Sexual Harassment

1. Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature 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 interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
2. Sexual harassment is an infringement of an employee's right to work in an environment free from unwanted sexual attention and sexual pressure of any kind.
3. Sexual demands in the work place, especially between a supervisor and a subordinate may threaten a person's economic livelihood and create an atmosphere that is not conducive to maximum productivity.
4. Sexual harassment does not need to involve a male supervisor and a female subordinate. It may also apply in reverse. Pressure can be directed by a person of either sex against a person of the opposite or same sex or from a co-worker or a supervisor.
5. The victim may not be the person harassed but could be anyone affected by the offensive conduct.
6. The following is a partial list of the types of activities which could be considered sexual harassment depending on the facts and circumstances:
    a. Unwanted or offensive physical touching.
    b. "Off color" jokes.
    c. Unwanted, unwelcome and unsolicited propositions.
    d. Offensive language.
    e. Holding up to ridicule a member of one sex to others.
    f. The placement of sexually explicit material in the work areas, desks, etc.
    g. Notes and other messages either signed or anonymous placed on bulletin boards, in lockers, in desks, etc.
    h. The required wearing of particular types of clothing or the inference that wearing particular types of apparel will enhance one's career.
    i. Demotion, dismissal, etc. after refusing or resisting sexual advances.
    j. Demeaning comments or actions.
    k. Unwanted, unwarranted and unsolicited advances, on or off duty, when such action relates to the employee-employer relationship.

l. Non-verbal suggestive or insulting noises, leers, whistles, or gestures.

m. Requesting or ordering employees to perform tasks that are not part of their job specifications, such as making coffee, obtaining lunch or doing personal shopping for supervisors.

E. Applicability

This policy applies in all:

1. situations where personnel interact with others, and the:
   a. employee is acting as a representative of the SHPD;
   b. employee is on duty or the situation takes place during work hours; or
   c. employee's actions or comments may be interpreted as those of an SHPD employee or the SHPD itself.
2. matters of employee relations, including, but not limited to:
   a. opportunities for employment, promotion, education and training;
   b. supervision;
   c. performance appraisals;
   d. internal investigations; and
   e. discipline, demotion and termination.

F. Work Environment

1. Employees must treat each other with mutual trust, respect, fairness and dignity.
2. The strength of the SHPD in accomplishing its mission depends on the ability of its employees to communicate and function effectively.
3. A work environment that nourishes respect and fairness among co-workers enhances morale and encourages similar relationships with the public.

G. Retaliation

1. Any form of retaliation for reporting discrimination, harassment or gender bias will not be tolerated.
2. Threats or acts of retaliation against witnesses reporting, testifying, or supporting a complaint of discrimination, harassment or gender bias are prohibited.
3. Acts of retaliation will result in disciplinary action as appropriate and may include termination.

H. Responsibilities

1. Victims or other persons who have knowledge of an incident of discrimination, harassment or sexual harassment are encouraged to initiate the appropriate action to address the situation.
2. Persons in a position of authority (e.g., supervisors, commanders, etc.) who have knowledge of an incident of discrimination, harassment or sexual harassment will initiate action or ensure that the appropriate actions relative to such an incident are taken.
3. A person in a position of authority who fails to take the appropriate action will face disciplinary action.

I. Reporting Discrimination, Harassment or Retaliation

1. Incidents of discrimination, harassment or retaliation will be promptly reported.

2. Attempts will be made to address the circumstances at the lowest possible level with the intent to immediately correct the situation and prevent further occurrences.
3. Reporting Options
   a. Informal Action
      1) An employee subjected to, or having knowledge of a suspected harassment situation may personally confront the antagonist and make it understood that the behavior(s) or activities are considered to be a form of harassment, are unwanted, and must cease. If resolved satisfactorily, no further action is necessary.
      2) If the circumstances are such that direct confrontation with the alleged antagonist would further aggravate the situation, the incident should be reported directly to the Chief using the SHPD Discrimination - Harassment Incident Report, Form 51.
      3) In addition to reporting the incident to the Chief, the aggrieved employee may advise the antagonist's supervisor or the aggrieved employee's supervisor of the incident.
   b. Formal Action Within the SHPD
      1) An employee may initiate formal action by written or verbal notification.
      2) Notification may be made to any supervisor, commander, or the Chief.
   c. Formal Action Outside the SHPD
      1) Reports of harassment situations may be reported directly to the Department of Budget and Management, the Baltimore District Office of the Equal Employment Opportunity Commission, or the Maryland Commission on Civil Rights.
      2) Reports to these departments have separate filing requirements which may be found by following the links, above.

J. Processing Complaints of Discrimination, Harassment or Retaliation

1. Except in those cases where the incident is settled directly between the victim and the alleged aggressor, a Discrimination / Harassment Incident Report (Form 51), will be completed by the victim, supervisor or commander immediately after the incident occurs or is reported and forwarded to the Chief.
2. If any information is not known at the time the Form 51 is filed, the Form 51 will still be forwarded immediately; a Form 17 will be sent to the Chief when the additional information is known.
3. The Chief will ensure an inquiry is conducted by a supervisor, commander, or by an allied department's Internal Affairs Unit to investigate the complaint upon notification of the incident or upon receipt of a Form 51 and will ensure the appropriate steps are taken to resolve the matter.
4. No copies of the Form 51 will be made or retained; the Chief will notify the submitting party when the original Form 51 is received and the victim and the accused will be notified of the final settlement.
5. All documentation will be maintained by the Chief and will remain confidential; requests to review the Form 51 must be approved by the Chief.
6. The investigator will immediately notify the Chief if the complaint contains allegations, or the investigation reveals evidence, of criminal activity.

7. When a complaint of discrimination, harassment, sexual harassment and/or retaliation is made, commanders and supervisors will:
    a. review the proper reporting procedure with the aggrieved employee and the accused employee's supervisors;
    b. make a preliminary inquiry into the incident within 10 days of being notified;
    c. ensure that an investigation is conducted and disciplinary actions are taken as provided in the SHPD Personnel Manual if the behavior complained of constitutes discrimination, harassment and/or sexual harassment or other serious misconduct;
    d. prevent a potential continuing course of unwanted conduct by ensuring that a supervisor contacts the accused to:
        1) advise the accused that if the alleged conduct / behavior is occurring, that it is not appropriate and must cease immediately; and
        2) caution the accused against retaliatory acts;
    e. monitor personnel affected by the investigation to prevent continuation of the conduct or retaliation for actions taken to resolve it;
    f. maintain personal contact with the victim to alleviate fear and to assure the victim that steps are being taken to resolve the complaint
    g. contact the victim at least every 15 days to provide updates on case progress and, upon completion of the investigation, the final disposition;
    h. contact the victim within 60 days after disposition to ensure that there has not been any continuation of improper conduct, threats of retaliation or retaliation;
10. Commanders and supervisors who fail to follow the guidelines in subsection above will be subject to disciplinary action.

K. Complaints of Discrimination or Harassment from Persons Outside the SHPD
All complaints against personnel from non-SHPD employees which originate from situations listed in subsection E(1) of this section shall be investigated.
    1. Complaints against sworn personnel will be processed under the procedures listed in the SHPD Personnel Manual.
    2. Complaints against civilian personnel will be processed under the procedures listed in the Annotated Code of Maryland, State Personnel and Pensions Article Title 11; COMAR 17.04.05; and the procedures listed in the SHPD Personnel Manual.

L. The SHPD will provide training to all newly-hired employees and periodic refresher training concerning harassment and discrimination in the workplace and the contents of this policy.

Approved:

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Thomas G. Davis
Chief of Police 03/07/2017