

## DISCIPLINARY PROCEDURES

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### HARASSMENT AND DISCRIMINATION

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**Purpose:** The purpose of this policy is to maintain a professional work environment for all members and /or potential members of this Department so they may be free of intimidation or exploitation. This policy will provide procedures for the reporting, investigation and resolution of all complaints of harassment or discrimination.

**Policy Statement:** It is the policy of the North Little Rock Police Department that harassment in any form, whether verbal or physical is an unlawful employment practice and will not be tolerated in the workplace. Race, age, sex, color, handicap or disability, nationality or religious discrimination is a violation of Federal and State law and of the City and police Department policy. It is the Police Department's position to take affirmative action to prevent such unwanted conduct from occurring and to investigate all such reported incidents in a fair, impartial and speedy manner.

**Summary of Changes:** New format.

**Definitions:**

**Discrimination** is the distinct and unequal treatment or consideration of a person based on race, age, sex, color, handicap or disability, nationality, religion or other legally protected class, without legal and rational justification.

**Harassment** means unlawful verbal or physical conduct designed to threaten, intimidate, or coerce. This includes but is not limited to, verbal taunting and slurs directed toward a member due to race, age, sex, color, handicap or disability, nationality or religion or other protected status which may impair an employee's ability to perform their duties.

**Offense** means any verbal or physical action that has the purpose or effect of creating a hostile, offensive, or intimidating work environment.

**Sexual Harassment** means any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission or rejections of such conduct is used as the basis for employment decisions, or when the conduct has the purpose or effect of creating an intimidating, hostile or offensive work environment.

**Procedure:**

**1 Member Responsibility**

- 1.1 All members are responsible for avoiding situations which involve actual or apparent harassment or discrimination. [CALEA 26.1.3]
- 1.2 All members have a responsibility to help eliminate all forms of prohibited harassment and unwanted conduct.
- 1.3 When appropriate, members observing behavior they believe to be harassment or discrimination should confront the offender directly and make it clear that the offender's behavior is unacceptable and the behavior must stop.
  - 1.3.1 Members who become aware of conduct they believe to be harassing or discriminating based on race, age, sex, color, handicap or disability, nationality or religion will report the incident immediately.

**2 Supervisor Responsibility**

- 2.1 Supervisors will ensure that each workplace has a working atmosphere free from harassment for all members. The workplace will be professional, assuring fair and courteous treatment for all members and the public they serve.
- 2.2 Supervisors are responsible for maintaining a workplace free from harassment or discrimination and for monitoring compliance with this policy.
- 2.3 Supervisors will take prompt and appropriate action whenever they observe or are made aware of any action that may be interpreted as harassment or discrimination.
- 2.4 Supervisors will conduct in service training concerning the content of the policy and answer any questions concerning reporting procedures to every member under their command. This will be done annually at the time of the member's performance evaluation.
- 2.5 Supervisors who become aware of any form of harassment or discrimination, or upon receipt of any complaint of harassment or discrimination will notify their Division Commander within 24 hours. The Division Commander will notify the Chief during the next business day of any complaint of harassment or discrimination.

**3 Reporting**

- 3.1 All members are encouraged to report any acts of unlawful harassment or discrimination based on race, age, sex, color, handicap or disability, nationality or religion as soon as possible after the incident.

3.2 Initial complaints may be made orally or in writing to: [CALEA 26.1.3]

3.2.1 The member's immediate supervisor, another supervisor in the member's Chain of Command, or the Division Commander; or

3.2.2 The Professional Standards Unit; or

3.2.3 The Chief of Police; or

3.2.4 The City's EEO director.

3.3 If the offending party is in the complainant's Chain of Command, complainant may report the complaint to any supervisor outside of his/her Chain of Command. [CALEA 26.1.3]

3.4 A member may make the complaint to the City's EEO director anytime during the process.

#### **4 Investigations**

4.1 All reported complaints of illegal discrimination or harassment will be promptly and thoroughly investigated by the Professional Standards Unit. [CALEA 26.1.3]

4.2 A timely resolution of each complaint will be reached and communicated to all parties concerned.

#### **5 Laws**

5.1 The following is a list of Equal Employment Laws which have a direct impact on this policy and prohibit any type of discrimination. They include, but are not limited to:

5.1.1 The Equal Pay Act of 1963, as amended.

5.1.2 Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity.

5.1.3 Act 1972 and the Pregnancy Disability Act of 1978.

5.1.4 The Rehabilitation Act of 1973, as amended.

5.1.5 The Age Discrimination in Employment Act of 1967, as amended.

5.1.6 The Civil Rights Act of 1991.

5.1.7 The Americans with Disabilities Act.

#### **6 Retaliation**

6.1 This Department prohibits any form of retaliation against a member for filing a complaint under this policy or for assisting in the investigation of a complaint filed under this policy.

6.2 Retaliation is engaging in adverse action or treatment of a member for reasons including, but not limited to the member's:

6.2.1 Opposition to any practice of illegal discrimination or harassment;

6.2.2 Filing any charge of discrimination alleging any such practice;

6.2.3 Testifying or participating in any manner in any proceeding, hearing or investigation relating to any claim of illegal harassment or discrimination.