

Geneva Police Department GENERAL ORDERS		WORKPLACE HARASSMENT	
<input type="checkbox"/> new: <input checked="" type="checkbox"/> rescinds: Policy & Procedure 14.7 <input type="checkbox"/> amends:		cross-reference: G.O. 300 Accreditation/Recognition standards:	
effective date: 1.31.05	issue/amend/review date: 1.31.05 / 10.30.13 / 11.21.19 / 12.8.20	NYS L.E.A.P.: 14.7	

I. PURPOSE	<p>The purpose of this General Order is to establish and describe policies and procedures prohibiting harassment and discrimination in the workplace and procedures for reporting, investigating and resolving complaints of such conduct. This policy applies to employees, whether sworn, civilian, volunteers, interns, and any other non-employees who conduct business with the Geneva Police Department (GPD). For purposes of this policy, the word "employee" and "employees" shall be inclusive of each type of individual identified above.</p>
II. DEFINITIONS	<p>A. <u>Sexual Harassment</u></p> <ol style="list-style-type: none"> 1. Sexual harassment is defined as the deliberate or repeated behavior of a sexual nature by one employee to another that is unwelcome, unasked for, or rebuked by the other employee. The behavior can be verbal or physical. Harassment may occur between co-workers or between a superior employee and a subordinate employee. Sexual harassment may occur between members of the opposite sex as well as members of the same sex. 2. Sexual advances that are not welcome, requests for sexual favors, and other verbal or physical conduct with sexual overtones constitute sexual harassment when: <ol style="list-style-type: none"> a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; or b. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions such as promotion, transfer, or termination, 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 working environment. 3. Examples of conduct that constitute sexual harassment include, but are not limited to, the following: <ol style="list-style-type: none"> a. Abusive verbal language, intended for and directed to another person, related to the person's sex, or sexual orientation, including sexual innuendoes; slurs; suggestive, derogatory, or insulting comments or sounds (e.g., whistling, etc.); or jokes of a sexual nature; or b. Any uninvited or unwelcome physical contact, including touching, petting, pinching, persistent brushing up against another person's body, or coerced sexual acts, or sexual assault; or c. Leaving sexually explicit books, magazines, and photographs where other employees will see or find them; or d. Unwelcome demeaning comments, ridicule, offensive language, propositions, leering, obscene gestures, or other similar actions; or

<p>II. DEFINITIONS (CONT.)</p>	<ul style="list-style-type: none"> e. Unwanted, unwarranted, unsolicited off-duty telephone calls or contact; or f. Signed or anonymous notes, e-mails, images or drawings sent to another person or placed in a visible location in the workplace, on or in desks, or bulletin boards, or on or in lockers; or g. Deliberately singling out women in front of men co-workers (or men in front of women co-workers) and subjecting them to demeaning or derogatory remarks; or h. Creating an intimidating, hostile, or offensive working environment; or i. Making acceptance of unwelcome sexual conduct, advances, or requests for sexual favors of any nature a condition of continued employment, or favorable treatment in the workplace; or j. Transferring, demoting, or dismissing employees who refuse sexual advances. <p>B. <u>Workplace Harassment</u> - For purposes of this policy, “workplace harassment” refers to sexual harassment as defined above and harassment based on race, color, sexual orientation, religion, disability, ethnicity, or national origin. Harassment based on race, color, sexual orientation, religion, disability, ethnicity, or national origin includes but is not limited to the following:</p> <ul style="list-style-type: none"> 1. Abusive verbal language, intended for and directed to another person, or in the presence of another person related to the person’s sex, race, color, sexual orientation, religion, disability, ethnic or national origin; or 2. Possessing in the workplace, books, magazines, photographs, drawings, or other images that may be reasonably construed as offensive or demeaning based on race, color, sexual orientation, religion, or ethnic or national origin, or leaving such material where other employees will see or find them; or 3. Unwelcome, offensive, or demeaning comments or slurs, ridicule, offensive language or gestures related or referring to a person’s race, color, sexual orientation, religion, disability, ethnic or national origin; or 4. Signed or anonymous notes, e-mails, images, or drawings that refer or relate to race, color, sexual orientation, religion, disability, ethnic or national origin and that may be reasonably construed as offensive or derogatory, that are sent or left for another person or placed in a visible location in the workplace, on or in desks, or bulletin boards, or on or in lockers; or 5. Creating or contributing to an intimidating, hostile, or offensive working environment based race, color, sexual orientation, religion, disability, ethnic or national origin; or 6. Transferring, demoting, or dismissing employees based on race, color, sexual orientation, religion, disability, ethnic or national origin.
<p>III. POLICY</p>	<p>A. All employees are entitled to work in an environment that is free from harassment, hostility and intimidation. Sexual harassment, or harassment based on any other factor, will not be tolerated.</p> <p>B. It is the policy of the Department:</p> <ul style="list-style-type: none"> 1. To take reasonable steps to prevent workplace harassment; 2. To treat harassment and discrimination of others as a form of serious employee misconduct; and 3. To take direct and immediate action to prevent such behavior, thoroughly investigate all complaints of alleged discrimination and harassment, and to remedy all established instances of harassment and discrimination.

III. POLICY (CONT.)	<p>C. No employee, while on duty or performing any official duty or function, or while off-duty and in any City-owned or operated facilities, shall engage in conduct that constitutes workplace harassment.</p>
IV. EMPLOYEE RESPONSIBILITIES	<p>A. All employees are required to report all instances of workplace harassment of which they become aware. This includes instances of workplace harassment in which the employee is the victim.</p> <p>B. All employees are responsible for assisting in the prevention of harassment through the following acts:</p> <ol style="list-style-type: none"> 1. Refraining from participation in, or encouragement of, actions that could be perceived as harassment. 2. Reporting incidents of harassment to a supervisor. 3. Encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor. <p>C. Failure of any employee to carry out the above responsibilities will be considered in any performance evaluation or promotional decision and may be grounds for discipline.</p>
V. SUPERVISOR RESPONSIBILITIES	<p>A. Every supervisor shall be responsible for preventing acts of workplace harassment. This responsibility includes:</p> <ol style="list-style-type: none"> 1. Ensuring a work environment free from workplace harassment; and 2. Monitoring the unit work environment on a daily basis for signs that workplace harassment may be occurring; and 3. Counseling all employees on the types of behavior prohibited, and the Department's procedures for reporting and resolving complaints of harassment; and 4. Stopping any observed acts that may be considered workplace harassment, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and 5. Taking immediate action to prevent retaliation towards the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment, pending investigation. <ol style="list-style-type: none"> a. If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation. 6. Each supervisor has the responsibility to assist any employee who comes to that supervisor with a complaint of harassment in documenting and filing a complaint. <p>B. The failure of any supervisor to carry out the above responsibilities will be considered in any performance evaluation or promotional decision and shall be grounds for discipline.</p>

VI. COMPLAINT PROCEDURES

- A. Employees who believe they are the victim of workplace harassment are encouraged to inform the person that his or her actions are unwelcome and offensive. The employee should document all incidents of alleged harassment in order to provide the fullest basis for investigation.
- B. Any employee who believes that he or she has been or is being harassed must report the incident(s) as soon as possible. The report may be made to the employee's immediate supervisor. However, the employee may report the workplace harassment to any of the following if it is not appropriate to make the report to the immediate supervisor (e.g., the offender is in the employee's chain-of-command):
 - 1. Chief of Police or any other Department supervisor; or
 - 2. If the complaint involves the Chief of Police, the individual may report the incident directly to the Assistant to the City Manager/Personnel or City Manager
- C. Complaints shall be submitted in writing, to the Chief of Police, with a copy to the Assistant to the City Manager/Personnel.
- D. Investigations of complaints of workplace harassment will be conducted using the procedures set forth in **General Order 300, Internal Affairs and Personnel Complaints**. The investigation shall be conducted in a timely fashion and a written report submitted to the Chief of Police and the Harassment Committee within thirty (30) working days of receipt of the complaint, if practicable.
 - 1. In conducting investigations of alleged workplace harassment, reasonable efforts will be made to preserve confidentiality and the privacy of all involved parties. However, this may not always be feasible. Therefore, no involved party should be given an express or implied guarantee of confidentiality.
 - 2. This order does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.
- E. The Harassment Committee shall consist of the City Manager, Assistant to the City Manager/Personnel and an ad hoc department head of the City Manager's choosing.
- F. The Harassment Committee shall review the complaint within fifteen (15) working days of its receipt and render a decision within an additional ten (10) working days.
 - 1. If it is not practicable for the Harassment Committee to render a decision within the aforementioned time frame, both the accused and complainant will be notified in writing of the delay. The Committee will as soon as feasible thereafter render a decision without unreasonable delay.
- G. Upon completion of its review of the complaint and investigation, the Committee will make a written finding of the allegation involved in the case. The finding will be one of the following:
 - 1. **EXONERATED**- The act complained of occurred but was lawful, proper, justified, or did not constitute a violation of policies, procedures, rules, regulations, directives, or statutes.
 - 2. **UNFOUNDED**- The act complained of did not occur.
 - 3. **NOT SUSTAINED**- There is insufficient evidence to prove or disprove the allegation.
 - 4. **SUSTAINED**- The act complained of did occur and constituted a violation of policy, procedure, rules, regulations, directives, or statutes.

VI. COMPLAINT PROCEDURES (CONT.)	<p>H. Both the complainant and the accused shall receive a copy of the written findings.</p> <p>I. In cases of sustained allegations, the matter will be referred to the appropriate disciplinary process based on the status of the involved employee.</p>
VII. RETALIATION	<p>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 illegal and is prohibited by Federal and State statutes.</p> <p>B. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint and investigative procedures established for harassment and discrimination complaints.</p> <p>C. Monitoring to ensure that retaliation does not occur is the responsibility of the Department head and all Departmental supervisors.</p>
VIII. TRAINING	<p>A. The City of Geneva Human Resources Department will provide yearly training regarding Sexual Harassment and Workplace Harassment to all members of this Department.</p> <p style="text-align: right;">Approved By</p> <p style="text-align: right;">MICHAEL J. PASSALACQUA <i>CHIEF OF POLICE</i></p>