



# COTTAGE CITY POLICE DEPARTMENT

## GENERAL ORDER

### SUBJECT: **HARASSMENT IN THE WORKPLACE**

### NEW REVISED RESCINDS

APPROVED: *GM*  
GEORGIA MILTENBERGER  
ACTING CHIEF OF POLICE

Effective Date 8/22/2018

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#### **I. POLICY**

To maintain a healthy work environment and to provide procedures for reporting, investigating and resolving complaints of harassment, sexual or otherwise.

#### **II. POLICY**

It is the policy of Cottage City that employees have the right to work in an environment free of all forms of harassment. The City does not condone, and will not tolerate harassment in any form. Harassment is generally defined as that behavior which creates a work environment that a reasonable person would find "hostile or abusive". Therefore, the city shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment, sexual or otherwise.

#### **III. PROHIBITED ACTIVITY**

- A. No employees shall either explicitly or implicitly ridicule, mock, deride or belittle any person.
- B. Employees shall not make offensive or derogatory comments based on race, color, age, sex, religion, national origin, marital status, or sexual preference, either directly or indirectly to another person. Such harassment is a prohibited form of discrimination under state and federal employment law and is also considered misconduct subject to disciplinary action by the Town.

- C. Certain types of rude remarks, negative stereotyping, threatening, intimidating or hostile acts and written or graphic material that denigrates a protected group.
- D. Sexual harassment is defined as 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 as 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 has the purpose or effect of reasonably interfering with an employee's work performance or creating an intimidation, hostile, or offensive working environment.
  - 4. Sexual harassment includes but is not limited to:
    - a. Offensive sexual flirtations, advances, or propositions;
    - b. Verbal abuse of a sexual nature;
    - c. Sexually graphic verbal commentaries about an individual's appearance or body;
    - d. The display of sexually suggestive or graphic objects or pictures;
    - e. Offering or giving anything in exchange for a sexual favor.

#### **IV. RESPONSIBILITIES**

- A. Each supervisor will be responsible for preventing acts of harassment. This responsibility includes:
  - 1. Monitoring the unit work environment for signs that harassment may be occurring;
  - 2. Counseling all employees on the types of behavior prohibited, and City procedure for reporting and resolving complaints of harassment;
  - 3. Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved persons are within his/her line of supervision; and,

4. Taking immediate action to limit the work contact between two employees where there has been a complaint of harassment, pending investigation.
- B. Each supervisor has the responsibility to assist any employee of the City, who comes to that supervisor with a complaint of harassment, in documenting and filing a complaint with the City Manager's office.
- C. Each employee of the City is responsible for assisting in the prevention of harassment through the following acts:
  1. Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
  2. Reporting acts of harassment to a supervisor; and,
  3. Encouraging any employee, who confides that he/she is being harassed, to report these acts to a supervisor.
- D. Failure to take action to stop known harassment shall be grounds for discipline.

**V. COMPLAINT PROCEDURES**

- A. Employees encountering harassment shall tell the person that their actions are unwelcome and offensive. The employee shall document all incidents of harassment to provide the fullest basis for investigation.
- B. Any employee who believes that he/she is being harassed will report the incident(s) to the supervisor as soon as possible so that steps may be taken to protect the employee from further harassment, and appropriate investigative and disciplinary measures may be initiated.
  1. Where this is not practical, or if the harasser is the victim employee's supervisor, the victim employee may instead file a harassment complaint with another supervisor, the Chief.
  2. If the harasser is the Chief of Police, the victim employee may file a harassment complaint with the Commission.
  3. The supervisor or other person to whom a complaint is given shall meet with the employee and document the specific incidents, the person(s) performing or participating in the harassment, and the dates on which it occurred.

4. The town employee taking the complaint shall expeditiously deliver the complaint to the Chief.
- C. The Chief shall be responsible for the investigation of any complaint alleging harassment.
1. The Chief shall immediately notify the prosecutor's office if the complaint contains evidence of criminal activity, such as batter, rape or attempted rape.
  2. The investigation shall include a determination whether other employees are being harassed by the person, and whether other employees participated in, condoned, or encouraged the harassment.
  3. The Chief shall inform the parties involved of the outcome of the investigation.
  4. A file of harassment complaints will be kept in a secure location.
- D. There shall be no retaliation against any employee for filing a harassment complaint, or assisting, testifying, or participating in the investigation of such a complaint.
- E. Complainants or employees accused of harassment may file a complaint/appeal in accordance with Town procedures when they disagree with the investigation or disposition of a harassment claim.
- F. This policy does not preclude any employee from filing a complaint with an appropriate state or federal agency.