The Allegheny County Chiefs of Police Association

Model

Discrimination / Sexual Harassment

An Allegheny County Criminal Justice Advisory Board Project

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In Partnership With

The Allegheny County District Attorney's Office

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Please understand that this model should serve only as a "**Starting Point**" for those departments who may wish to update their Rules & Regulations Manual in this area. To best serve your department, it should be reviewed and revised by you and your Municipality and Insurance Carrier.

Model
Discrimination / Sexual Harassment

01. Purpose

The purpose of this policy is to provide police officers with general guidelines on discrimination and/or sexual harassment.

02. Discrimination

No Department employee shall, on the basis of race, color, religion, sex, sexual orientation, national origin, age, handicap or political affiliation or belief, be excluded from participation in, denied the benefits of, be subjected to discrimination under, or denied employment in any programs or activities enjoyed by other members of the Department.

A. Pregnancy Discrimination

1. Discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination. Women affected by pregnancy or related conditions must be treated in the same manner as other employees with similar abilities or limitations.

B. Religious Discrimination

1. Under Title VII of the Civil Rights Act of 1964, the Department is prohibited from discriminating against individuals because of their religion in hiring, promotions, firing and other terms and conditions of employment. Furthermore, the Department must reasonably accommodate the religious practices of an employee or prospective employee, unless doing so would create undue hardship on the Department.

03. Sexually Harassment

Unlawful sexual harassment can include both sexual conduct and non-sexual conduct.

Prohibited harassment includes, but is not limited to, the following conduct:

1. **Sexual Harassment** can include but is not limited to "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature" that takes place under any of the following circumstances:

(a) When submission to the sexual advance is a condition of keeping or getting a job, whether expressed in explicit or implicit terms.

(b) When a supervisor or boss makes a personnel decision based on an employee's submission to or rejection of sexual advances.

(c) When sexual conduct unreasonably interferes with a person's work performance or creates an intimidating, hostile or offensive work environment.

2. **Verbal Harassment**, can include but is not limited to name-calling, derogatory comments, slurs/insults, unwelcome jokes and unwelcome sexual advances, invitations or comments.

3. **Visual Harassment** can include but is not limited to derogatory or unwelcome posters, cartoons, drawings, gestures or off-color emails.

4. **Physical Harassment**, can include but is not limited to unwanted touching, patting, pinching, blocking normal movements, bullying tactics, and any physical interference with work.

5. **Non-Sexual Conduct that** is not directly sexual in nature can nevertheless be considered sexual harassment if it singles out a member of a particular sex for abusive and demeaning treatment. Examples of such "non-sexual" sexual harassment include:

(a) Assignment of demeaning tasks.

(b) Display of cartoons demeaning the opposite sex.

(c) General workplace abuse (stealing files, sabotaging work, humiliating treatment of any kind).

6. In the work environment, the Department has an "affirmative duty" to prevent and eliminate harassment. Supervisory personnel should not assume that the lack of complaints of harassment assures that no harassment exists. The Department must be mindful of the possible victims of harassment and provide organizational safeguards and emotional support to possible victims of harassment and provide a method to address and resolve this type of complaint.

7. If an employee feels that they are a victim of harassment, the established Chain of Command can be circumvented, if circumstances dictate, in that the employee may report the incident to any Supervisor, Chief of Police or Municipal Official who will take appropriate action. If a complaint is brought forth, the Department will not accept or tolerate any form of retaliation or adverse employment action, whether the complaint is determined to be founded or unfounded. Appropriate disciplinary action will be taken if this should occur.

8. Appropriate disciplinary action will be taken in the event a complaint is determined to be founded.