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## Discriminatory Harassment

### 327.1 PURPOSE AND SCOPE

The guidelines outlined in this policy are intended to prevent Department members from being subjected to discrimination or harassing behavior and to ensure full equal employment opportunity, in conformance with Title VII of the Civil rights Act of 1964 and other applicable laws and regulations.

### 327.2 POLICY

The Vancouver Police Department is committed to providing a work environment free from harassment by any individual. Employees have a responsibility to assist in this commitment by treating every person with respect and by reporting incidents of harassing behavior.

Discriminatory and harassing conduct directed at an individual because of his or her race, religion, color, national origin or ancestry, pregnancy, military status, age, gender, sexual orientation, marital status, genetic information, and/or the presence of any physical or mental disability and/or any other status protected by law is strictly prohibited. Any conduct which may be construed as retaliation against an individual because he/she made a complaint of harassment is also strictly prohibited.

### 327.3 INAPPROPRIATE CONDUCT

Conduct that may constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or Department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to Department policy and to the Department's commitment to a discrimination free work environment.

#### 327.3.1 HARASSMENT

As a general rule, harassing conduct includes behavior that is demeaning, insulting, offensive or intimidating. It can include verbal conduct such as unwanted sexual or racist comments; non-verbal behavior; and physical behavior such as pats, squeezes or brushing against someone's body. The conduct will be harassing and a violation of this policy if it is offensive or unwelcome, even if the conduct was not intended to be harassing.

There is an endless list of behaviors that may be unwelcome, demeaning, insulting, or offensive and lead to a complaint or harassment. Some examples are:

1. Demeaning, insult, intimidating, or sexually suggestive written, recorded or electronically transmitted messages;
2. Using demeaning or inappropriate names or labels that other find offensive;

## *Discriminatory Harassment*

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3. Making vulgar comments, using profane language, using indecent gestures or discussing sexual activities;
4. Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;
5. Verbal abuse of any kind;
6. The display of demeaning, insulting or sexually suggestive objects or pictures, including nude photographs;
7. Sabotaging work, assigning only demeaning work or refusing to provide critical job related information;
8. Laughing at, ignoring, or not taking seriously an employee who experiences or complains of harassment;
9. Blaming victims of harassment for causing the problem; or
10. Continuing offensive behaviors after an employee has objected to that behavior.

The following behaviors are not considered harassing: Bona fide requests or demands by a supervisor that the employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or Department rules or regulations, or any other appropriate work related communication between supervisor and employee.

### 327.3.2 SEXUAL HARASSMENT

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment position or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for employment decisions affecting the member.
- (c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, abusive, or offensive work environment.

### 327.3.3 RETALIATION

Any action taken to punish an individual for making a complaint of harassment or to obtain revenge for making the complaint is retaliation, even if the complaint is unfounded. As with harassing conduct, there are many behaviors which may be considered retaliation if taken for the wrong reason. Examples of retaliatory conduct include:

1. Harassing, insulting or intimidating an employee in any way;
2. Take unjustified disciplinary action;

## *Discriminatory Harassment*

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3. Directly or indirectly encouraging others to retaliate against an individual who has made a complaint of harassment; or
4. Taking any action which is detrimental to the employee's job such as a demotion, a poor performance evaluation, a decrease in pay, sabotaging work, assigning demeaning work, or making it difficult for the employee to perform job duties.

### **327.3.4 ADDITIONAL CONSIDERATIONS**

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Washington State Human Rights Commission.
- (b) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or Department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

### **327.4 EMPLOYEE RESPONSIBILITIES**

All employees are required to comply with the following expectations:

1. Employees are expected to treat every individual with respect and to refrain from any harassing or retaliatory behavior.
2. All employees are encouraged to report any observed or known violations of this policy to a supervisor. Employee (s) not comfortable with reporting violations of this policy to their immediate supervisor may bypass the chain of command and report it to a higher ranking officer. Complaints may also be filed with the Human Resources or the Professional Standards Unit.

### **327.5 SUPERVISOR RESPONSIBILITIES**

Supervisors and managers will be proactive in identifying behavior that may constitute harassment or retaliation, will take any complaint or harassment seriously, and will take prompt and effective action to assure that any harassing, offensive or retaliatory conduct stops and does not recur. All complaints or discrimination or harassment shall be fully documented, and promptly and thoroughly investigated.

Individual employees may be held personally liable for engaging in harassing behavior or failing to take action to stop harassing behavior.

### **327.6 RESOLUTION OF HARASSMENT ISSUES AND COMPLAINTS**

Various methods of resolution exist to stop harassing behavior.

## *Discriminatory Harassment*

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### **327.6.1 EMPLOYEE RESOLUTION**

Whenever possible, employees who believe they are experiencing discrimination and/or harassment are encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or highly inappropriate.

### **327.6.2 SUPERVISORY RESOLUTION**

If an employee is unable to resolve the concern or if an employee feels uncomfortable, threatened, or has difficulty expressing his/her concern, assistance or counseling should be sought from a supervisor or manager.

### **327.6.3 FORMAL INVESTIGATION**

At any time, an employee may initiate a formal complaint of harassment by contacting a supervisor, manager, Human Resources or PSU. All potential policy violations are reviewed and/or investigated in accordance with the policy and procedures relating to Internal Affairs investigations.

During the pendency of any such investigation, the Department will take reasonable steps to mitigate or eliminate any continuing hostile work environment.

### **327.7 DOCUMENTATION OF COMPLAINTS**

All complaints or allegations shall be documented as required by the Department's Internal Affairs Policy.

### **327.8 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS**

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the Department. Employees who believe they have been harassed or discriminated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

### **327.9 TRAINING**

The Department provides on-going training on the definition of harassment, appropriate workplace behavior, policies on the prevention of harassment, procedures for complaining about and resolving harassment problems that arise and employee responsibilities for preventing harassment in the workplace. In addition, supervisors and managers are required to attend periodic training on identifying, preventing and responding to complaints of harassment and retaliation.

### **327.10 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT**

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Chief of Police, Human Resources, the City Manager, or they may contact the Washington State Human Rights Commission at 800-233-3247.