



GENERAL PROCEDURES

103.0 NON-DISCRIMINATION/HARASSMENT (Revised 9/01)

103.10 BEHAVIOR INVOLVING AN ACT OF NON-DISCRIMINATION/HARASSMENT TOWARDS ANOTHER INDIVIDUAL (Revised 9/01)

Discrimination can occur where decisions regarding hiring, promotion, job assignment, discharge, layoff, discipline, training, compensation, or other terms or conditions of employment are made based on an individual's race, color, religion, sex, age, disability (mental or physical), or national origin. Employment decisions shall be made on the basis of skill, ability, qualifications, and job performance.

Discrimination may also be found where conduct toward an employee is based upon the employee's membership in a protected class, and is so severe and pervasive that it interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. Sexual harassment is a form of discrimination.



103.20 DEFINITIONS OF SEXUAL HARASSMENT (Revised 9/01)

There are two legal definitions of sexual harassment:

- A. Quid pro quo harassment occurs when unwelcome sexual advances and requests for sexual favors, based upon one's sex are made either explicitly or implicitly a term or condition of an individual's continued employment; or a tangible employment action is taken against an employee who refuses unwelcome sexual conduct because of the employee's refusal.
- B. Hostile environment harassment occurs when unwelcome verbal or physical conduct of a sexual nature is so severe or pervasive that it unreasonably interferes with a term or condition of employment or creates an intimidating, hostile, or offensive working environment.

Sexual harassment can occur between a supervisor and employee, between employees, and between employees and non-employees (e.g., citizens, contract laborers, vendors, etc.).

Consensual "romantic" or sexual relationships between supervisors and employees they supervise are prohibited. Any supervisor involved in such a relationship with a subordinate is required to immediately report such relationship to the Department's Equal Employment Opportunity Officer (EEO Officer), Division Head, Department Director, or Labor Relations Division of the Personnel Department. Management reserves the right to terminate the supervisor/subordinate work relationship in any manner, including dismissal of one or both of the employees.

Examples of inappropriate conduct:

- A. Unsolicited written, verbal, physical touching, or other conduct with sexual overtones.
 - 1. Written examples include, but are not limited to, suggestive or obscene letters, notes, invitations, or e-mail messages.
 - 2. Verbal examples include, but are not limited to, derogatory comments, slurs, or jokes.
 - 3. Physical examples include, but are not limited to, assault, touching, or impeding or blocking movement.
 - 4. Other conduct may include, but is not limited to, leering, gestures, or display of sexually suggestive objects or pictures, cartoons, or poster.
- B. Continuing to express social interest after being informed that the interest is unwelcome.
- C. Making reprisals, threats of reprisal, or implied threats of reprisal against an employee who makes a complaint of discrimination or participates in the investigations of a complaint:

NOTE: For example, withholding support for an appointment; denying a promotion; preparing or directing a poor job performance report be prepared that is not indicative of actual performance; or termination.

- D. Engaging in coercive sexual behavior, which is used in an attempt to control, influence, or affect the career, salary, and/or work environment of another employee.
- E. Offering favors or employment benefits such as promotions, favorable performance evaluations, favorable job assignments, or compensation in exchange for sexual favors.
- F. Use of terms of endearment such as "honey," "sweetheart," "hunk," "baby," "darling," "stud," that a reasonable person would find objectionable; or any term of endearment after being advised the employee finds the term objectionable.



103.30 PROCEDURES FOR REPORTING SEXUAL HARASSMENT/NON-DISCRIMINATION (Revised 9/01)

The Chief of Police has designated the Director of Training as the EEO officer for the Police Department, who will act as a liaison with the City Personnel Department on all EEO matters. The Office of Professional Standards will investigate all complaints and issue fact-finding reports, unless otherwise directed by the Chief of Police.

- A. Any employee who believes he/she has been subjected to any form of discrimination or harassment must immediately report such activity to any of the following:
 1. His/her Department EEO officer,
 2. Non-involved supervisor, shift or unit commander,
 3. Division Head, Bureau Chief,
 4. Department Director (Chief of Police), or
 5. Directly to the Labor Relations Division of the Personnel Department.
- B. Any supervisor or employee desiring to file a discrimination or harassment complaint directly with the Labor Relations Division may do so by calling (405) 297-2567 twenty-four (24) hours a day, seven (7) day a week.
- C. Any EEO officer, supervisor, Division Head, or Department Director having knowledge of, or information regarding discriminatory or harassing conduct, is required to immediately notify the Labor Relations Division of the Personnel Department regardless of how the information was obtained (e.g. verbal or written complaint, direct observation, overhearing conversations, information from non-involved persons, etc.).
- D. The Office of Professional Standards and/or a representative of the Labor Relations Division, in conjunction with the department or division EEO Officer, and/or any other appropriate personnel will immediately initiate a confidential investigation, and submit a report containing findings of facts and recommendations for action to the complainant's Department Director and/or the City Manager. This report is considered to be a Personnel Investigation and is not subject to the Oklahoma Open Records Act.

Employees conducting the investigation will attempt to protect the privacy of individuals involved and maintain confidentiality. Employees interviewed during the course of an investigation are required to maintain the confidentiality of the investigation.

- E. The results of the investigation and the nature of any disciplinary action will be communicated to both the complainant and the person accused of discrimination or sexual harassment by the Chief of Police or a representative of the Labor Relations Division.

NOTE: Employees have the right to make a complaint of discrimination or sexual harassment with the State Human Rights Commission, Equal Employment Opportunity Commission, or with a court of law. This policy does not restrict the rights of employees secured by the laws of the State of Oklahoma or the United States.

103.31 RETALIATION (Adopted 9/01)

Retaliation is an adverse employment action, taken by a supervisor against an employee, for bringing a complaint of discrimination or sexual harassment; or for participating in an investigation of discrimination or sexual harassment. Any such retaliation will be grounds for disciplinary action, up to and including termination. An adverse employment action includes the act of withholding a favorable employment action if based on discriminatory reasons.



Co-workers are also prohibited from engaging in retaliatory conduct towards an employee who has made a complaint of discrimination or sexual harassment; or for participating in an investigation of discrimination or sexual harassment. All such conduct will be grounds for disciplinary action, up to and including termination.

103.32 SEXUAL HARASSMENT AND OTHER FORMS OF NON-DISCRIMINATION TRAINING (Adopted 9/01)

Supervisory personnel are required to receive training on an annual basis. All employees are encouraged to attend any training on sexual harassment/discrimination.

103.33 DISCIPLINARY ACTION (Adopted 9/01)

Any employee found in violation of Sexual Harassment/Discrimination policies and procedures, or who provides false information in the complaint or investigation procedures, is subject to disciplinary action. Disciplinary action may include any range of discipline, up to and including termination.

103.40 RESPONSIBILITY OF THE OFFICE OF PROFESSIONAL STANDARDS (Revised 9/01)

Upon receipt of the complaint, the Chief of Police or a designee may assign the matter to the Commander of the Office of Professional Standards Unit for investigation. The investigation will be given priority.

The Commander of the Office of Professional Standards will assume responsibility for conducting an administrative investigation into the allegation(s) lodged by the employee.

Once the investigation is completed, all copies of the complaint along with related documentation will be forwarded to the Chief of Police or a designee.

This Unit will maintain the formal complaint(s), supporting documentation and the follow-up investigation.

103.41 RESPONSIBILITY OF THE OFFICE OF THE CHIEF OF POLICE (Revised 9/01)

The Chief of Police receives all information and recommendations, making final disposition of the incident. The Office of Professional Standards will maintain the file. The files shall not be open to inspection except to provide documentation for subsequent complaints of discrimination or harassment.

103.42 RESPONSIBILITY OF THE DEPARTMENT EQUAL EMPLOYMENT OPPORTUNITY OFFICER
(Revised 9/01)

The Department's Equal Employment Opportunity Officer is responsible to ensure the Police Department follows the City of Oklahoma City's Equal Employment Opportunity/Affirmative Action Plan. The Department's EEO officer shall also be responsible for the enforcement of the Sexual Harassment/Non-Discrimination policy, procedure and rule and other laws related to equal employment opportunity.

The Department's EEO Officer will:

- A. Schedule follow-up review dates with the complainant after the resolution of the incident,
- B. Assess any progress in the behavior of the offending employee related to the type of corrective action taken,
- C. Ensure that the complaining employee and/or other employees involved are not subjected to any form(s) of retaliation, and will
- D. Ensure that additional misconduct in the form(s) of discrimination or harassment has ceased.