

## CAMBRIDGE POLICE DEPARTMENT

**Title:** *SEXUAL HARASSMENT*

**Procedure:** 3.503

**Date Issued:** March 1, 2005

**Revised:**

### **PURPOSE:**

The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity, and to provide procedures for reporting, investigating and resolving complaints of sexual harassment. Federal law provides for the protection of classes of persons based on race, color, sex, religion, age, disability and national origin. Not protected by federal law but also protected by this policy are persons based on their sexual orientation.

### **POLICY:**

It is the policy of the Cambridge Police Department that all employees have the right to work in an environment free of all forms of harassment. The Cambridge Police Department will not tolerate, condone or allow harassment by employees, whether sworn, civilian, volunteer or other non-employees who conduct business with this agency. The Cambridge Police Department considers harassment and discrimination of others a form of serious employee misconduct. Therefore, the Cambridge Police Department shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and discrimination. A violation of this policy can lead to discipline up to and including termination, with repeated violations, even if "minor," resulting in greater levels of discipline as appropriate...

The policy of the Cambridge Police Department strictly prohibits anyone from taking any adverse action with regard to employment, including examination, appointment, training, recruitment, selection, promotion, retention, discipline or other personnel action, because of race, color,

religion, sex, marital status, national origin or ancestry, age, physical or mental handicap unrelated to ability, or unfavorable discharge from military service. This Department is committed to maintaining a workplace where each employee's privacy and personal dignity are respected and protected from offensive or threatening behavior.

Retaliation is against the law and is strictly prohibited. It is a separate and distinct illegal action independent of the merits of any prior sexual harassment complaint. Employees protected against retaliation include the complainant; any employee making an inquiry, challenging sexually harassing behavior, or participating in any way with these procedures; and any witness.

The elements of retaliation are:

- The employee engaged in protected activity (e.g., filed a complaint, challenged a sexually harassing practice, or provided witness testimony); and
- The supervisor took an adverse action against the employee. Adverse action may include, among other actions, demotion or negative job reference; and
- There is a causal relationship between the protected activity and the adverse action.

### **DEFINITION:**

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal 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; or

- b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that may be deemed sexual harassment and is prohibited in the workplace include, but are not limited to:

- Sexually suggestive, obscene, or lewd comments or invitation.
- Gender related labels such as "honey," "sweetie," "cutie," "boy," and "girl."
- Asking for sexual favors and implying there will be economic or employment benefits.
- Leering, ogling, or drawing attention to a person's body
- Unwanted sexual advances.
- Introduction into the workplace of pornographic pictures or written material, except in the course of official police investigations.

**PROCEDURE:**

***PROHIBITED ACTIVITY***

Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on race, color, sex, religion, age, disability, sexual orientation or national origin. Such harassment is a prohibited form of discrimination under state and federal employment law and/or is also considered misconduct subject to disciplinary action by this agency.

**Employee Responsibilities**

- 1. Each supervisor shall be responsible for preventing acts of harassment. This responsibility includes:
  - a. Monitoring the unit work environment on a daily basis for

- signs that harassment may be occurring;
- b. Counseling all employees on the types of behavior prohibited, and the agency procedures for reporting and resolving complaints of harassment;
- c. Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and
- d. 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. 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.
- e. Failure to carry out these responsibilities will be considered in any evaluation or promotional decision and may be grounds for discipline.

- 2. Each supervisor has the responsibility to assist any employee of this agency who comes to that supervisor with a complaint of harassment in documenting and filing a complaint with the internal investigations authority or other investigatory authority as designated by this agency.
- 3. Each employee of this agency is responsible for assisting in the prevention of harassment through the following acts:
  - a. Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
  - b. Reporting acts of harassment to a supervisor; and
  - c. Encouraging any employee who confides that he or she is being harassed or discriminated

against to report these acts to a supervisor.

- d. 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.

### **FILING A COMPLAINT**

1. Any employee encountering harassment is encouraged to inform the person that his or her actions are unwelcome and offensive. The employee is encouraged to document all incidents of harassment in order to provide the fullest basis for investigation.
2. Any employee who believes that he or she is being harassed shall report the incident(s) as soon as possible to their supervisor so that steps may be taken to protect the employee from further harassment, and so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, the employee may instead file a complaint with another supervisor, with the appropriate internal investigations authority or the Executive Officer of the Department.
  - a. The supervisor or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the harassment, any witnesses to the incident(s) and the date(s) on which it occurred.
  - b. The agency employee taking the complaint shall promptly submit a confidential memorandum documenting the complaint to the Administrative Lieutenant.
3. The internal investigation authority shall be the Administrative Lieutenant or his designee, and shall be responsible for investigating any complaint alleging harassment or discrimination.
  - a. The internal investigative authority shall immediately notify the Chief and Executive Officer if the complaint contains evidence of criminal activity, such as battery, rape or attempted rape.
  - b. The investigator shall include a determination as to whether other employees are being harassed by the person, and whether other agency members participated in or encouraged the harassment.
  - c. The internal investigative authority shall inform the parties involved of the outcome of the investigation.
  - d. The Chief of Police shall make any final dispositions as to any disciplinary action to be taken in accordance with departmental disciplinary policy.
  - e. A file of harassment and discrimination complaints shall be maintained in a secure location by the Administrative Lieutenant. The Chief and Executive Officer shall be provided with an annual summary of these complaints.