



*Athens-Clarke County Police
Department*
Directive 2.36



WORKPLACE HARASSMENT/DISCRIMINATION

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2.36.01 POLICY AND PURPOSE

It shall be the policy of the Athens-Clarke County Police Department to provide a work environment for its employees that respects the diversity of our community, is free from harassment and/or discrimination, and promotes equal employment opportunity and equitable treatment for all Department employees. The Department prohibits any form of harassment and/or discrimination.

It shall further be the policy of the Athens-Clarke County Police Department to take positive action to prevent the occurrence of harassment in the workplace, encourage employees to come forward with their concerns and/or complaints about prohibited workplace harassment and/or discrimination, and take immediate action to investigate and resolve complaints of alleged harassment and/or discrimination.

It shall further be the policy of the Athens-Clarke County Police Department to strictly prohibit retaliation against any individual for making a complaint of harassment/discrimination or cooperating in a harassment/discrimination investigation. Any person who engages in prohibited harassment/discrimination or retaliation will be subject to appropriate disciplinary action, up to and including termination.

The purpose of this directive is to establish definitions for workplace harassment and discrimination and set forth procedures for preventing, reporting, and responding to workplace harassment or discrimination that are in compliance with Athens-Clarke County Municipal Code Section 1-17-1 and other applicable state and federal laws.

[CLE 26.1.3] and [CC 3.6.4]

2.36.02 DEFINITIONS

Discrimination: any of the following employment actions or treatment of an employee or applicant, or group of employees or applicants, based, in whole or in part, on the employee's sex, race, color, religion, creed, gender identity, sexual orientation, national origin, ancestry, age, disability, marital status, military or veteran status, citizenship, genetic information, political ideology, or any other status or classification protected by applicable federal or state laws, or that of their relatives, friends, or associates:

1. Disparate or unequal application of terms/condition of employment;
2. Disparate or unequal provision of employment opportunities, benefits, or privileges;
3. Disparate or unequal work conditions; or
4. Disparate or unequal evaluative standards.

Harassment: Verbal, physical, visual, conduct as defined by ACC Municipal Code Section 1-17-1 (b)(1) directed toward an individual because of their sex, race, color, religion, creed, gender identity, sexual orientation, national origin, ancestry, age, disability, marital status, military or veteran status, citizenship, genetic information, political ideology, or any other status or classification protected by applicable federal or state laws, or that of their relatives, friends, or associates, that:

1. Has the purpose or effect of creating a hostile, intimidating, or offensive work environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's employment and/or promotional opportunities.

Harassing conduct: includes, but is not limited to:

1. Epithets, slurs, or other verbal action that involves negative stereotyping, including use of language or accents;
2. Threatening, intimidating, or hostile acts that relate to sex, race, color, religion, creed, gender identity, sexual orientation, national origin, ancestry, age, disability, marital status, military or veteran status, citizenship, genetic information, political ideology, or any other status or classification protected by applicable federal or state laws, or that of their relatives, friends, or associates; and
3. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, creed, color, religion, gender, ancestry, sexual orientation, national origin, age, disability, marital status, or political ideology, and that is placed, posted or distributed on walls, bulletin boards, electronic bulletin boards, e-mail or elsewhere on the employer's premises, or circulated in the workplace.

Harassment Complaint: An oral or written complaint alleging harassing or discriminatory conduct or a pattern of harassing or discriminatory conduct by any employee, supervisor, or management representative who suspects that harassing conduct may have occurred in the workplace.

Retaliation: Punitive action taken against an employee because the employee has complained about harassment or discrimination, given a statement about harassment or discrimination, or otherwise supported a harassment or discrimination complaint. Retaliation may potentially include: transfers or discharges; changes in job duties, assignments, privileges, or performance evaluations; or continuing or escalating harassing behavior after a coworker has objected to that behavior.

Sexual harassment: Unsolicited and/or unwelcome advances, requests for sexual favors, and/or other verbal, physical, or visual conduct of a sexual nature as defined by ACC Municipal Code Section 1-17-1 (b)(2) made under circumstances that:

1. Imply that submission to such conduct is either explicitly or implicitly a term or condition of an individual's employment;
2. Imply that submission to or rejection of such conduct by the targeted individual will be used as a basis for employment decisions affecting such individual; or

3. The conduct has the purpose or effect of unreasonably interfering with the targeted individual's work performance or of creating an intimidating, hostile, or offensive work environment. Sexual harassment may include, but is not limited to, sexual comments, innuendoes, displays or jokes; unwelcome invitations to sexual activity; and unwelcome touches, pinches, or hugs.

2.36.03 RESPONSIBILITIES**A. Employees**

Each employee of the Department is responsible for assisting with the prevention of harassment and/or discrimination through the following:

1. Refraining from participation in, or encouragement of, actions that could be perceived as harassment or discrimination;
2. Reporting acts of harassment or discrimination to an immediate supervisor or to some other supervisor in their chain of command. If reporting the harassment to an employee's supervisor is not practical or possible (i.e., if the supervisor is the alleged harasser) the employee may file a complaint with any commander, with the Office of Professional Standards, the Chief of Police, or with the Director of ACC Human Resources; and

[CLE 26.1.3] and [CC 3.6.4]

3. Encouraging any employee who confides that he/she is being harassed or discriminated against to report the incident(s).

B. Supervisors and managers

Supervisors and managers shall assume responsibility for preventing harassment and/or discrimination by:

1. Educating all employees about harassment including, but not limited to sexual harassment and related department and county policies will be done through an annual training;

[SC 2.2 b]

2. Explaining procedures for resolving such problems;
3. Monitoring their commands for signs of harassment, discrimination, and/or prohibited activity;

4. Directing an immediate end of any perceived offensive behavior;
5. Taking appropriate intervention; and
6. Immediately initiating an inquiry when there is reason to believe that harassment or discrimination may have occurred or may be occurring.

Any action taken in resolving an incident of harassing or discriminatory conduct shall be reported immediately to the Commander of the Office of Professional Standards, who will notify the Chief of Police. Entry of incident will be entered into BlueTeam.

Failure to take action to stop a known act(s) of harassment or discrimination shall be grounds for discipline.

The Department has an affirmative obligation to investigate the existence of harassment in the workplace whenever it becomes aware of the possibility that harassment might be occurring. The chain of command of an employee who has been accused of harassment or discrimination shall be responsible for providing assistance and cooperation whenever necessary during the course of an investigation.

2.36.04 COMPLAINT PROCEDURES

- A. The employee should promptly file a complaint with their immediate supervisor. If the employee has a complaint against his or her supervisor, or if the employee is uncomfortable discussing the complaint with their supervisor, the employee may contact any police commander, the Office of Professional Standards, the Chief of Police, or the Director of ACC Human Resources.
- B. The employee's complaint of harassment or discrimination should be in writing, but may be oral. The complaint should include, when available, the following information: the date(s) incident(s) occurred, names of individuals involved, names of witnesses, and a description of the incident(s).
- C. The Chief of Police, or designee, will notify the Director of ACC Human Resources and request an investigation. ACC Human Resources will conduct all investigations of harassment or discrimination pursuant to ACC Municipal Code Section 1-17-1 and other applicable ACC Human Resources policies and procedures. The Department and its personnel will fully cooperate with any ACC Human Resources investigation into harassment and discrimination and will be held to the standards set forth under Directive 2.31.04 (D) related to complaints and disciplinary action.

- D. Supervisors/managers shall maintain the confidentiality of a harassment or discrimination complaint to the extent that it does not hinder the investigation or resolution of the complaint and is permitted under law.**
- E. Employees may, at any time, seek redress from an enforcement agency (e.g., the Equal Employment Opportunity Commission) or through a court of law.**
- F. All records of complaints and their resolution will be maintained in the Office of Professional Standards via BlueTeam and IA Pro.**
- G. False accusations of workplace harassment are viewed to be as severe a form of misconduct as harassment itself. Fabrications or false statements made in such cases will be thoroughly investigated and, if sustained, will be met with severe disciplinary action.**

By Authority of:



**Cleveland L. Spruill, Sr.
Chief of Police**