

EAST LANSING POLICE DEPARTMENT

POLICY AND PROCEDURE

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CHIEF OF POLICE: _____

10.1 POLICY

The East Lansing Police Department is proud of its tradition of maintaining a work environment that nourishes respect for the dignity of each individual. The sexual harassment policy is restated in furtherance of that tradition. It is a policy of the Department to provide equal employment opportunity to all persons consistent with employment requirements and qualifications and to comply with applicable laws regarding discrimination because of race, color, religion, creed, sex, national origin, age, weight, handicap, sexual orientation, gender identity, or veteran status.

10.2 GENERAL INFORMATION

- A. It has long been a policy of the City of East Lansing that normal, courteous, mutually respectful, pleasant and non-coercive interactions between people is acceptable and an encouraged type of behavior, and that employees have a right to work in an environment free from any type of discrimination, including freedom from sexual harassment. The City of East Lansing, Michigan, prohibits sexual harassment of employees in any form. Such conduct may result in disciplinary action up to and including dismissal.
- B. No supervisor shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development.
- C. Other sexual harassment conduct in the workplace, whether committed by supervisors or non-supervisory personnel, is also prohibited. This includes repeated offensive sexual flirtations, advances, propositions, continual or repeated verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual and the display in the work place of sexually suggestive objects or pictures.
- D. Managers, supervisors and any employee should promptly submit a written report of an incident of sexual harassment directly to the City's Human Resources Department and the Chief of Police. Complaints will be promptly investigated, and every attempt will be made to maintain the information provided in the complaint and investigation as confidentially as possible.

10.3 **DEFINITION OF SEXUAL HARASSMENT**

- A. For the purposes of this policy, sexual harassment is defined as any type of sexually oriented misconduct that is unwelcome and inappropriate. The following are examples of prohibitive conduct
1. Demanding sexual favors in exchange for favorable reviews, assignments, promotions, continued employment or promises of same.
 2. Continued or repeated sexual jokes, language, epithets, flirtations, advances or propositions.
 3. Verbal abuse of a sexual nature.
 4. Graphic verbal commentary about an individual's body, sexual prowess or sexual deficiency.
 5. Sexual degrading or vulgar words to describe an individual.
 6. Leering, whistling, touching, pinching, brushing the body, assault, coerced sexual acts or suggestive, insulting or obscene comments or gestures.
 7. The display in the work place of sexually suggestive objects, pictures, posters or cartoons.
 8. Name calling, relating stories, gossip, comments, or jokes that may be derogatory toward a particular sex.
 9. The display of sexually suggestive graffiti.
 10. Retaliation against employees for complaining about such behavior.
 11. Asking questions about sexual conduct or sexual orientation or preferences.
 12. Harassment consistently targeted at only one sex, even if the content of the verbal abuse is not sexual.

10.4 **IDENTIFICATION OF INDIVIDUALS COVERED UNDER THE POLICY**

- A. This policy shall be all inclusive and shall cover:
1. Men and women as both harassed parties and harassers.
 2. All employees including top level executives
 3. Job applicants, potential employees, and former employees.
 4. Non employees including customers and suppliers.

10.5 **FRATERNIZATION**

- A. Consenting romantic and sexual relationships between employees, while not expressly forbidden, is generally considered very unwise. Respect and trust accorded a person by his/her subordinate, as well as the power exercised by that person in either evaluating or otherwise supervising his/her subordinate, greatly diminish the subordinate's actual freedom of choice. Therefore, the Department and its employees should be aware of the possible cost of even an apparently consenting sexual relationship.
- B. An employee who enters into a sexual relationship with another employee, where there exists a difference in power between the persons involved, should realize that, if a complaint of sexual harassment is subsequently made, it would

be exceedingly difficult to prove immunity on grounds of mutual consent.

10.6 **REPORTING AND INVESTIGATING**

- A. If the employee chooses not to file their complaint with the Human Resources Department or the Deputy City Manager, they may file their written report in the following manner. The employee shall present this information to the supervisor or administrator who is immediately higher in rank than the person being charged. (i.e. if the suspect is an officer, then report to your Sergeant or Lieutenant. If the allegation is against a supervisor, then make the report to the Captain, etc.)
- B. Neither the Department nor its supervisors will, in any way, retaliate against an employee, potential employee or former employee who makes a report of discrimination or harassment.
- C. Any allegation of discrimination or harassment that is brought to the attention of the Department will result in a mandatory and confidential investigation of the incident. It is intended that the privacy of the persons involved will be protected. Special privacy safeguards will be applied in handling sexual harassment complaints.
- D. The method by which an investigation will proceed may be influenced by the wishes of the complainant, but the person responsible for handling and resolving the complaint may nonetheless proceed in a different manner at his/her discretion. In any event, the investigation procedure shall include discussions with the complainant.

10.7 **RESOLVING THE COMPLAINT**

- A. Individuals who have engaged in such conduct will be disciplined, up to and including discharge.
- B. The Department recognizes that the question of whether a particular course of conduct constitutes sexual harassment requires a factual determination. The Department recognizes also that false accusations of sexual harassment can have serious effects on innocent persons. If an investigation results in a finding that a person who has accused another of sexual harassment has maliciously or recklessly made false accusations, the accuser will be subject to appropriate sanctions, including discharge.

10.8 **CONCLUDING POLICY STATEMENT**

The Department wants all employees to know that they are not required to endure insulting, degrading or exploitative treatment. Each employee must respect the feelings and sensibilities of every other employee in the Department.