



## KNOXVILLE POLICE DEPARTMENT KNOXVILLE, TENNESSEE



### General Order No. 1.36

Subject: Harassment	Effective Date: September 1, 1996	Revised Date: January 13, 2012
Title: Guidelines Concerning Harassment and Sexual Harassment	Pages: 5	Distribution: All Members
Cross Reference: CALEA Standard 26.1.3 City of Knoxville Administrative Rules	Chief of Police Approval:	

### Purpose

The purpose of this directive is to establish guidelines for all employees of the Knoxville Police Department regarding harassment and sexual harassment.

This order consists of the following sections:

- I. Policy
- II. Definitions
- III. Responsibilities of the employee
- IV. Responsibilities of the supervisor
- V. Reporting Harassment and Sexual Harassment

## I. Policy

It is the policy of Knoxville Police Department to provide an environment for its employees and the citizens it serves that is free from harassment. Fair and prompt consideration shall be given to all charges of such harassment in accordance with the procedures set forth below.

The Civil Service Department shall investigate and process complaints of sexual harassment and any cases of harassment dealing with federally protected classes, including but not limited to race, color, religion, national origin, age or disability.

## II. Definitions

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964, and harassment in any form is inconsistent with the professionalism expected of Knoxville Police Department employees.

- A. Harassment is conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- B. Sexual harassment may be defined as unwelcome sexual advances, request for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature.

The City of Knoxville Administrative rule 1.06 Sexual Harassment states "The City will not tolerate sexual harassment in the workplace. Sexual harassment is defined as any unwelcome, reported sexual advances, requests for sexual favors, and/or other physical or verbal conduct of a sexual nature. It is a violation of these administrative rules if one of the following conditions exists:

- Submission to such conduct is made a condition of an individual' employment (i.e., hiring); or
- Submission to or rejection of such a conduct is used as a basis for employment decisions (i.e., pay, promotion, termination, etc.); or
- Such conduct has the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

1. Hostile environment

This covers regular and repeated actions, or things displayed around the workplace that “unreasonably interfere” with job performance or create an “intimidating, hostile, or offensive” work environment. A hostile environment may include:

- a. Verbal - sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, threats of a sexual nature.
- b. Non-verbal - displaying sexually suggestive objects, pictures, or commentaries where other employees may encounter them; obscene gestures, leering, suggestive or insulting sounds.

2. “Quid Pro Quo”

This means “something for something”. Quid Pro Quo sexual harassment occurs when employment decisions are based upon participation or refusal of participation in unwelcome sexual conduct. This kind of sexual harassment usually involves supervisors who use:

- a. Physical contact - unwelcome physical contact, including touching, pinching, or brushing the body; coerced sexual intercourse; sexual assault.
- b. Threats - firing, blocking promotion, transferring, or giving a bad evaluation, if a person *does not* go along with sexual advances.
- c. Rewards - hiring, promoting, or giving a raise if a person *does* go along.

III. Responsibilities of the Employee

All Knoxville Police Department employees shall be responsible for promoting professional and respectful personal conduct.

- A. Employees are personally accountable for any conduct that leads to a charge of harassment or sexual harassment.

- B. Employees who are subjected to any form of sexual harassment and/or harassment relating to race, color, religion, national origin, age or disability are responsible for bringing it to the attention of the appropriate supervisory personnel and/or the Civil Service Department, the City Law Department, or the Internal Affairs Unit.

#### IV. Responsibilities of the Supervisor

- A. Inform their employees of appropriate procedures for harassment and sexual harassment complaints. Communicate to employees that harassment in any form will not be tolerated. Treat every incident seriously.
- B. Supervisors are not to resolve the complaints of sexual harassment or harassment relating to race, color, religion, national origin, age or disability themselves. They must immediately contact the Civil Service Department, City Law Department, or the Internal Affairs Unit.
- C. They must cooperate thoroughly with the Civil Service Department during the investigation.
- D. Respond with remedial training. Administer disciplinary actions when appropriate. In cases of sexual harassment or harassment involving federally protected classes depending on results of concluded investigation, follow recommendations as appropriate. These recommendations may include remedial training, a plan for improvement, counseling through the city's Employee Assistance Program and/or disciplinary action, up to and including termination.
- E. Follow up on the situation to ensure that the conduct is not repeated, and that retaliation does not occur.

#### V. Reporting Harassment and Sexual Harassment

A complaint of sexual harassment or harassment involving race, color, religion, national origin, age or disability may be filed according to the procedures defined below. A complaint should initially be filed as soon as the violation occurs. If it is a continuing problem, the complainant should state when the conduct began and the progression of events to the time of the complaint. Reprisal or retaliations against the complainant or witnesses participating in the investigation is prohibited and shall constitute grounds for disciplinary action up to and including dismissal.

- A. Sexual harassment and harassment complaints involving race, color,

religion, national origin, age or disability should be filed with the Civil Service Department or initially with the Internal Affairs Unit who will refer the complaint to the Civil Service Department.

- B. Any department employee receiving a complaint of sexual harassment and harassment involving race, color, religion, national origin, age or disability shall immediately deliver the complaint to the Internal Affairs Unit at which time the Civil Service Department will be contacted.
- C. The Internal Affairs Unit, under the direction of the Civil Service Department may be responsible for the investigation of all complaints of sexual harassment and harassment involving race, color, religion, national origin, age or disability not referred to another investigative authority.
  - 1. The Internal Affairs Unit shall immediately notify the Chief of Police and the Criminal Investigative Division Commander if the complaint contains evidence of criminal activity such as battery, rape, or attempted rape.
  - 2. The Chief of Police or designee shall notify the complaining part, in writing, of the results of the investigation and any pending disciplinary charges.
- D. All other types of harassment shall be reported to the appropriate supervisory personnel for resolution.

Employees will be required to follow the chain of command when reporting harassment. In the event, the employee's supervisor is involved in the harassment, that employee may report the harassment to the next level of supervision.