



City of Racine Police Department
Policy and Procedure

Number: 100

Table with 3 columns: Subject (Harassment in the Workplace), Date Issued (10-19-90), Effective Date (06-17-11), Revision Number (4)

POLICY:

All employees have the right to work in an environment free of all forms of 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 protected by this policy, are persons harassed because of their sexual orientation.

The Department will not tolerate, condone, or allow harassment by employees, whether sworn, civilian, volunteer (including Explorer Scouts) or other non-employees who conduct business with the Department. The Department considers harassment and discrimination of others forms of serious employee misconduct. Therefore, the Department shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and discrimination. A violation of the Department's policy can lead to discipline up to and including termination. Repeated violations may result in greater levels of discipline.

PROCEDURE:

- 1. Prohibited Activity
a. No employee shall either explicitly or implicitly threaten, intimidate, ridicule, mock, deride, or belittle any person.
b. Employees shall not make offensive or derogatory comments, whether oral or written, 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 The Department.
c. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
(1) Submission to such conduct is made either explicitly or implicitly a term of condition of employment; or
(2) Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
(3) 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.
d. Individuals covered under the policy include Department members defined as employees and applicants for employment with the Department, whether sworn, regular, reserve or civilian, and all volunteers including but not limited to Explorer Scouts.
2. Employee Responsibilities
a. Each supervisor shall be responsible for preventing acts of harassment. This responsibility includes the following:
(1) Monitoring the unit work environment on a continuous basis for signs that harassment may be occurring;
(2) Counseling all employees on the types of behavior prohibited, and the Department procedures for reporting and resolving complaints of harassment;
(3) Stopping any observation 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
(4) 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.

- (5) Failing to carry out these responsibilities will be considered in any evaluation or promotional decisions and may be grounds for discipline.
  - b. Each supervisor has the responsibility to assist any employee of the Department who comes to that supervisor with a complaint of harassment in documenting and filing a complaint with Internal Affairs or other investigatory authority as designated by the Department.
  - c. Each employee of the Department is responsible for assisting in the prevention of harassment through the following acts:
    - (1) Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
    - (2) Reporting acts of harassment to a supervisor; and
    - (3) Encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.
    - (4) 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.
3. Complaint Procedures
- a. Any employee encountering harassment is encouraged to inform the person that his or her actions are unwelcome and offensive. The employee is to document all incidents of harassment in order to provide the fullest basis for investigation.
  - b. Any employee who believes that he or she is being harassed shall report the incident(s) as soon as possible so that steps may be taken to protect the employee from further harassment, and so that appropriate investigative and disciplinary measures may be initiated. When doing so is not practical, the employee may instead file a complaint with another supervisor, with Internal Affairs or the Chief of Police. 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.
  - c. Any employee who believes it is not practical to file their complaint directly within their Departmental structure may file the complaint with either the City Attorney or the appointed individual in the Personnel Department.
    - (1) If the complainant does not feel comfortable with filing their complaint with either the City Attorney or the Personnel Department they may file the complaint with either or both of the agencies listed as references.
    - (2) If the employee exercises the option of reporting directly to one of the outside agencies listed in the Reference Section, they must file a copy of the complaint with the City Attorney within 24 hours of filing of the complaint.
  - d. Internal Affairs shall be responsible for investigating any complaint alleging harassment or discrimination.
    - (1) Internal Affairs shall immediately notify the Chief of Police and the District Attorney's office if the complaint contains evidence of criminal activity, such as battery, rape or attempted rape.
    - (2) If the immediate supervisor of the complainant is not directly involved in the investigation then that supervisor should be notified in order to ensure that immediate corrective measures are taken to prevent continued violations.
    - (3) The investigation shall include a determination as to whether the person is harassing other employees, and whether other Department members participated in or encouraged the harassment.

- (4) Internal Affairs shall inform the parties involved of the outcome of the investigation.
  - (5) A file of harassment and discrimination complaints shall be maintained in a secure location. The Chief of Police shall be provided with an annual summary of these complaints.
  - e. The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.
  - f. Complainants or employees accused of harassment may file a grievance/appeal in accordance with Department procedures when they disagree with the investigation or disposition of a harassment claim.
  - g. This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.
4. Retaliation
- a. Retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint, is illegal and is prohibited by the Department and by federal statutes.
  - b. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints.
  - c. Monitoring to ensure that the retaliation does not occur is the responsibility of the Chief of Police, commanders, supervisors and Internal Affairs.

**REFERENCES:**

Wis. Department of Workforce Development, Equal Rights Division  
819 N. 6<sup>th</sup> St. Rm. #255  
Milwaukee, WI 53203  
(414) 227-4384

Wis. Department of Workforce Development, E.E.O.C. Division  
310 W. Wisconsin Av. Rm. #800  
Milwaukee, WI 53203  
(414) 297-1111

Website: [www.dwd.state.wi.us](http://www.dwd.state.wi.us)

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