

# GENERAL ORDER

## PORT WASHINGTON POLICE DEPARTMENT

SUBJECT:	<b>HARASSMENT IN THE WORKPLACE</b>	NUMBER:	1.2.3
		ISSUED:	3/31/09
SCOPE:	All Police Personnel	EFFECTIVE:	3/31/09
DISTRIBUTION:	General Orders Manual, and All Police Personnel	<input checked="" type="checkbox"/> RESCINDS	B-2-97 12.1
		AMENDS	
REFERENCE:	WI State Statute 111.36	WILEAG 5 <sup>th</sup> EDITION STANDARDS: 1.2.4, 1.2.5	

INDEX AS: Employee Harassment  
 Harassment  
 Harassment Reporting Procedures  
 Locker Room Policy  
 Sexual Harassment  
 Supervisory Responsibility of Reported Harassment

PURPOSE: The purpose of this Order is to establish a policy that governs the department work environment, to establish a reporting procedure for harassment complaints, and to define supervisory responsibility in regard to such complaints.

This Order consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. REPORTING PROCEDURE
- IV. LOCKER ROOM POLICY
- V. SUPERVISORY RESPONSIBILITY
- VI. NON-RETALIATION
- VII. DISCIPLINARY ACTION
- VIII. STATE OF WISCONSIN AGENCY

## I. POLICY

- A. It is the policy of the Port Washington Police Department to create and maintain a pleasant working environment among all employees, free of the various forms of harassment enumerated in Section II of this Order and based upon mutual respect among employees.

## II. DEFINITIONS

- A. HARASSMENT: Any unwanted, deliberate or repeated unsolicited comments, conduct, gestures, graphic materials, physical contacts or solicitation of favors based upon:
  - 1. Race
  - 2. Color
  - 3. Creed
  - 4. Ancestry
  - 5. National Origin
  - 6. Age (40 and up)
  - 7. Disability
  - 8. Sex
  - 9. Arrest or Conviction Record
  - 10. Marital Status
  - 11. Sexual Orientation
  - 12. Membership in military reserve
    - a) It involves a pattern of abusive and degrading conduct directed against a protected class member that is sufficient to interfere with their work or create an offensive and hostile work environment.
- B. Harassment, including sexual harassment, is a violation of this Order as well as state and federal statutes if it is based on the criteria listed in the harassment definitions of this Order, and:
  - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or,

2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or,
  3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creates an intimidating, hostile or offensive work environment.
- C. **SEXUAL HARASSMENT:** Unwelcome sexual advances, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. "Unwelcome verbal or physical conduct of a sexual nature" includes, but is not limited to, the deliberate, repeated making of unsolicited gestures or comments, or the deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes.
- D. **WORKPLACE RETALIATION:** Workplace retaliation includes any adverse action taken against an employee for filing a complaint or supporting another employee's complaint under a variety of laws.

### III. REPORTING PROCEDURE

- A. Any employee who believes he or she has been the subject of harassment shall report the alleged act(s) to his/her immediate supervisor. Should the complaint involve the employee's immediate supervisor, the employee shall report the alleged act(s) to the next supervisory/management level. Should circumstances require, the employee may report directly to:
1. The Chief of Police, or
  2. The City Administrator
- B. The employee shall be required to submit a written report on the incident(s). The complaint will be investigated and a determination made using criteria found in this Order as to the existence of harassment.
- C. Depending upon the findings of the investigation, person(s) found to have engaged in harassment shall be:
1. Directed by a supervisor to cease the conduct (not a disciplinary action); or,
  2. Face disciplinary action commensurate with the violation and past disciplinary record.
- D. Generally, the first time an employee is found to have engaged in harassment, he/she shall be directed to cease the conduct unless:

1. The incident is also a violation of other General Orders;
2. The incident is a violation of department rules and regulations;
3. The incident is a violation of local, state or federal law;
4. The incident is so aggravated that in the opinion of the Chief of Police initial disciplinary action is called for; or
5. It is the employee's second or subsequent finding of harassing conduct.

#### IV. Locker Room Policy

In compliance with Wisconsin § 175.22 - Privacy in Locker Rooms, the following guidelines have been established.

- Interviews of any nature (audio or video) ARE **NOT** permitted in a department locker room.
- Excluding department tours, the media or any other interview source ARE **NOT** permitted in a department locker room. Department tours will only be permitted, if the locker room is not being utilized.
- Recording devices **ARE NOT** permitted to be utilized by department personnel under any circumstances in a department locker room, unless approved by the Chief of Police and/or his designee.
- No person may use a cell phone to capture, record or transfer a representation of a nude or partially nude person in the locker room.
- The locker room, as described in this standard, is to include the attached shower facilities and restroom facilities.

Special circumstances, as determined by the Chief of Police and/or his designee, will allow the use recording devices in department locker rooms. Special circumstance authorizations will only be permitted, if the locker room is not being utilized. These include, but are not limited to:

- Establishing a Record of Damaged City Property
- Repair of City Facilities
- Law Enforcement Tours – Police Station Design

These guidelines have been established to maintain the privacy of all department employees, who utilize department locker rooms.

#### V. SUPERVISORY RESPONSIBILITY

- A. It shall be the responsibility of all supervisors to ensure that employees under their control feel free to report the forms of harassment set forth in this Order. Supervisors shall accept initial complaints from employees who believe they are being harassed, complete a written report, and forward all reports to the Chief of Police. Supervisors will forward all complaints brought to their attention, even when such complaints appear trivial or frivolous. Supervisors shall not discourage employees from making complaints, nor shall such complaints, when brought to a supervisor's attention, be handled informally outside the reporting procedure set forth in this Order.
- B. All complaints received will be assigned for investigative purposes as outlined in the Department's internal affairs General Order 24.1 (III) (G).

## VI. NON-RETALIATION

- A. Retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, participating in the investigation of such a complaint, is illegal and is prohibited by this agency 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 retaliation does not occur is the responsibility of the chief executive officer, supervisors and appropriate internal investigative authority.

## VII. DISCIPLINARY ACTION

The department views harassment and retaliation to be among the most serious breaches of work place behavior. Consequently, appropriate disciplinary or corrective action, ranging from a warning to termination, can be expected.

## VIII. STATE OF WISCONSIN AGENCY

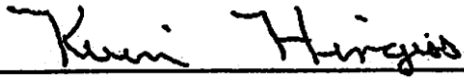
- A. Any employee dissatisfied with the outcome of an investigation conducted pursuant to this Order, or any employee desiring further information on the Wisconsin Harassment Laws may contact:

Equal Rights Division  
Department of Workforce Development  
201 East Washington Avenue, Room A100  
P.O. Box 8928  
Madison, WI 53702-0006  
Telephone (608) 266-6860

OR

819 N. 6<sup>th</sup> Street  
Room 723  
Milwaukee, WI 53203  
Telephone (414) 227-4384

APPROVED:

  
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Chief Kevin Hingiss

DATE:

1/16/19

Revised 1/16/19

Revised 6/10/16

Revised 8/19/14