



Approved:

Chief Marcia Harnden

Subject:

841. Discriminatory Harassment

Effective:

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CALEA Standards: 26.1.3

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841.1: PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to discrimination or sexual harassment. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

841.2: POLICY

The Albany Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against members in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive, corrective and disciplinary action to address any behavior that violates this policy or the rights it is designed to protect.

The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

841.3: DISCRIMINATION PROHIBITED

841.3.1: DISCRIMINATION

- a. The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on race, color, religion, gender, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.
- b. Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.
- c. Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or

department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to the department commitment to a discrimination free work environment.

841.3.2: SEXUAL HARASSMENT

The Department prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or a member because of that person's gender.

841.3.3: ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

- a. Acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission (EEOC) and the Oregon Bureau of Labor and Industries' Civil Rights Division.
- b. Bona fide requests or demands by a supervisor that a member improve their work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and the member.

841.3.4: RETALIATION

Employees shall not treat a person differently or engage in acts of reprisal or intimidation against the person because that person has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice.

841.4: RESPONSIBILITIES

- a. This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional law enforcement standards and the best interest of the Department and its mission.
- b. Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to their immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief of Police, Human Resources Director or the City Manager.
- c. Any member who believes, in good faith, that they have been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.
- d. Supervisors and managers receiving information regarding alleged violations of this policy shall

determine if there is any basis for the allegation and shall proceed with resolution as outlined in the [City of Albany Human Resources Policy HR-ER-05-002; Workplace Discriminatory Harassment](#).