



# Clayton County Police Department

# PROCEDURES

Subject <b>HARASSMENT, DISCRIMINATION, AND UNPROFESSIONAL CONDUCT</b>		Procedure # <b>C11</b>	
Authorizing Signature 	Effective <b>08-29-2022</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds	Total Pages <b>9</b>

## I. PURPOSE

The purpose of this policy is to promote a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating, and resolving complaints of harassment, discrimination, and other forms of unprofessional conduct. The employees of the Clayton County Police Department shall have the right to work in an environment free of harassment, discrimination and other forms of unprofessional conduct.

## II. POLICY

Employees of the Clayton County Police Department will not engage in any acts that threaten, intimidate, harass, demean, or torment fellow employees. This Department considers unprofessional conduct, harassment, discrimination, bullying, and retaliation of others to be serious employee misconduct. Hence, any prohibited conduct covered by this policy that comes to the attention of a supervisor or manager, shall result in immediate notification to the Office of Professional Standards (OPS) and a prompt, thorough and impartial investigation shall be conducted.

## III. DEFINITIONS

Bullying: Repeated inappropriate behavior, abuse, or mistreatment conducted by one (1) or more persons against another or others in the course of employment and involves a real or perceived power imbalance. Bullying includes behavior, either direct or indirect, that demeans, embarrasses, humiliates, persistently annoys, alarms, or verbally abuses a person.

Discrimination: Unfair or unequal treatment of an individual or group based on protected class status.

Harassing Conduct: For the purpose of this policy, harassing conduct is defined as any unwelcome verbal or physical harassment conduct based on any characteristic protected by the law when: (1) The behavior can reasonably be considered to adversely affect the work environment; or, (2) An employment decision affecting the employee is based upon the employee's acceptance or rejection of such conduct.

Harassment: Unwanted, unwelcome, or uninvited conduct that demeans, threatens, or offends another person. Harassment becomes unlawful where: (1) Enduring the offensive conduct becomes a condition of continued employment; or (2), The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Protected Class: A group of people with a common characteristic who are legally protected from employment discrimination on the basis of that characteristic. Protected classes are created by both federal and state law. Federal protected classes include: Race, Color, Religion or Creed, National Origin or Ancestry, Sex (including gender, pregnancy, sexual orientation, and gender identity), Age, Physical or Mental Disability, Veteran Status and Genetic Information.

Retaliatory Conduct: Conduct or action designed to serve as retribution against an employee who, in good faith, has reported or otherwise provided information regarding misconduct against another employee.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical offensive conduct of a sexual nature that explicitly or implicitly affects employment; unreasonably interferes with work performance; or creates an intimidating, hostile, or offensive working environment.

#### **IV. PROHIBITED ACTIVITIES**

##### **A. Unprofessional Conduct**

1. No employee shall treat another employee with disrespect or discourtesy. Employees shall be civil and professional in their dealings with one another at all times.
2. No employee shall either explicitly or implicitly ridicule, mock, bully, or belittle any fellow employee.

##### **B. Discriminatory Treatment**

No employee shall treat any employee differently based on a protected class status.

### C. Prohibited Harassment

No employee shall:

1. Make offensive or derogatory comments to any person, either directly or indirectly, whether verbally, in writing, or through the use of electronic devices or Internet services.
2. Engage in activity such as slander, sabotage, ostracism, badgering, withholding resources, disruptive treatment and/or conduct that intimidates or is hostile. Nor shall any employee allow non-employees who conduct business with this Department to engage in such activity. All prohibited acts of these types will be judged on the basis of conduct that is objectively reasonable.
3. Perform an objectively unreasonable act upon any employee based upon that employee's perceived protected class status.
4. Use blogs, social networking sites, or other Internet communication devices to harass another employee. This prohibition includes the employee's use of Internet or social networking sites outside the workplace.

### D. Sexual Harassment

1. Sexual harassment can occur in a variety of circumstances, including but not limited to the following:
  - a. The victim does not have to be of the opposite sex.
  - b. The harasser can be the victim's supervisor, an agent of the Department, a supervisor in another area, a co-worker, or a non-employee.
  - c. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
  - d. Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
  - e. The harasser's conduct must be unwelcome.
2. Prevention is the best tool to eliminate sexual harassment in the workplace.
3. No employee shall engage in sexual harassment in any manner, to include verbal, nonverbal, or physical behavior of a sexual nature.

#### E. Retaliatory Conduct

1. In the context of this policy, retaliatory conduct includes any deliberate, purposeful actions or failures to act directed against employees that cause or that could reasonably be expected to cause physical harm, property damage, significant emotional stress, or other serious negative effect on another employee; designed to ridicule or embarrass; or could seriously impair the efficiency, safety, or effectiveness of that employee, this Department, or both.
2. Such conduct may take many forms, including, but not limited to, bullying; persistent offensive comments, threats, or intimidation; false accusations; isolation; ostracism; posting of secure or personal information on the Internet; or acts that malign or disparage an individual's reputation.
3. Retaliatory conduct against any employee for filing an unprofessional conduct, bullying, harassment, or discrimination complaint or for assisting, testifying, or participating in the investigation of such a complaint is prohibited by this Department.

#### V. RESPONSIBILITIES OF PERSONNEL

The Clayton County Police Department cannot correct unprofessional conduct, harassment, bullying, and discrimination, if such conduct is not known.

- A. Each employee shall be responsible for assisting in the prevention of unprofessional conduct, harassment, bullying, and discrimination by:
  1. Not participating in or encouraging any action that could be perceived as unprofessional conduct, harassment, bullying, or discrimination;
  2. Acting professionally toward co-workers, members of the public and visitors and refraining from harassing conduct;
  3. Familiarizing, complying and cooperating with the provisions of this policy, and any other written directives of the Department, County Civil Service Rules, and all applicable laws;
  4. Taking all necessary and lawful steps to immediately stop any acts of unprofessional conduct, harassment, bullying, and discrimination that is in violation of any written directives of the Department, County Civil Service Rules, or local, state or federal law; and
  5. Promptly reporting, pursuant to procedures set forth below, any incident of unprofessional conduct, harassment, bullying, or discrimination to a supervisor that they experience before it becomes a pattern of misconduct so pervasive and offensive as to constitute a hostile environment.

## B. Responsibilities of Supervisors and Managers

All supervisors and managers shall be responsible for:

1. Monitoring the work environment on a daily basis for signs that unprofessional conduct, harassment, bullying, or discrimination that may be occurring;
2. Acting promptly and appropriately to prevent any acts that may be considered unprofessional conduct, harassment, bullying, and discrimination in the workplace;
3. Reporting, pursuant to procedures set forth below, any incident of unprofessional conduct, harassment, bullying, or discrimination that they witness or is otherwise brought to their attention;
4. Receiving and handling allegations of unprofessional conduct, harassment, bullying, or discrimination promptly and appropriately, utilizing the procedures set forth below;
5. Taking immediate action to prevent retaliatory conduct toward the complaining party and to eliminate the hostile work environment where there has been a complaint of unprofessional conduct, harassment, bullying or discrimination; and
6. In consultation with the Office of Professional Standards (OPS) Commander, providing interim relief to alleged victims of harassment, pending the outcome of the investigation, and ensuring that further misconduct does not occur.

## C. Responsibilities of the Office of Professional Standards (OPS)

The OPS Commander shall be responsible for:

1. Receiving allegations of harassment under this policy and promptly notifying the Chief of Police, or authorized designee, and the Director of the County's Department of Human Resources of the allegation;
2. Providing interim relief to alleged victims, and ensuring that further misconduct does not occur;
3. Verifying the complaint has been entered via Blue Team and assigning an IA case number for the complaint, and an Internal Affairs detective to investigate such complaint;
4. Ensuring that a thorough administrative investigation is conducted by the Internal Affairs Unit; and
5. Forwarding the findings to the Chief of Police, or authorized designee, to determine the appropriate action to take.

## VI. PROCEDURES

- A. Any employee encountering unprofessional conduct, harassment, bullying, and/or discrimination is encouraged to:
1. Inform the person that their actions are unwelcome and offensive; and
  2. Immediately document all incidents in order to provide the details for investigation.

- B. Any employee who believes that they are being treated unprofessionally, harassed, bullied, or discriminated against shall report the incident(s) as soon as possible to anyone in their supervisory chain of command, or OPS, or to the Director of the County's Department of Human Resources, so that appropriate investigative and disciplinary measures may be initiated.

Where the immediate supervisor is involved in the prohibited action, the employee may waive filing a complaint with that supervisor and may proceed to a supervisor higher in the chain of command or an employee in OPS.

- C. All information will be maintained on a confidential basis to the greatest extent that is practical and appropriate under the circumstances and controlling law.
- D. Employees who falsely accuse another as a means of harassing or bullying shall be disciplined.
- E. The supervisor or manager who receives a complaint shall meet with the employee immediately and document:
1. The incident(s) complained of;
  2. The person(s) performing or participating in the prohibited action;
  3. Any witnesses to the incident(s);
  4. The date(s) on which it occurred; and
  5. Any other information they deem relevant to the complaint.
- F. The supervisor or manager taking the complaint shall:
1. Promptly inform their chain of command and the OPS Commander to seek guidance as to further actions;
  2. Prepare and submit an Inter-Office Memorandum (memo) documenting the complaint and forwarding it directly to OPS, as soon as possible;
  3. Entering all of the required information into Blue Team, so OPS can assign an IA case number for the complaint; and

4. In consultation with the OPS Commander, take action to stop any harassing conduct and prevent further harassment while the allegations are being investigated.
- G. Unless otherwise specified, OPS shall be responsible for investigating any complaint alleging a violation of this policy and shall:
1. Immediately notify the Chief of Police, or authorized designee, and the County's Department of Human Resources of the complaint or allegation.
  2. Recommend appropriate action to stop any unprofessional conduct, harassment, bullying, or discrimination, including granting appropriate interim relief to the alleged victim, while the allegations are being investigated.
- H. Upon completion of the Internal Affairs investigation, the OPS Commander shall review the Internal Affairs Case File. After such review the OPS Commander, will:
1. Include a determination as to whether a violation of policy occurred and whether other employees participated in or encouraged the unprofessional conduct, harassment, bullying, and/or discrimination; and
  2. Forward the completed investigation to the Chief of Police, or authorized designee, for review and action.
- I. Action to be Taken upon Completion of the Inquiry
1. Upon completion of the inquiry, and in consultation with the Director of the County's Department of Human Resources, the Chief of Police, or authorized designee, shall promptly evaluate the evidence and determine the appropriate action to take.
  2. The OPS Commander shall inform the parties involved of the outcome of the investigation.
  3. Where the inquiry establishes that an employee did engage in harassing conduct under this policy, they shall be subject to appropriate corrective and disciplinary action.
  4. Where the inquiry establishes that a manager or supervisor did not properly carry out the responsibilities provided for under this policy, they shall be subject to appropriate corrective and disciplinary action.
- J. Internal Affairs Case Files
1. All information regarding complaints will be maintained on a confidential basis to the greatest extent possible. Such information, however, may have to be disclosed to defend the Department in any litigation to which

the information may be relevant and necessary. Further, information may need to be disclosed to those officials and employees within the Department or County, with a need to know in order to carry out the purpose and intent of this Policy. However, once closed, the investigation may be subject to public inspection through the Georgia Open Records Act.

2. The OPS Commander shall:
  - a. Maintain a file of complaints in a secure location; and
  - b. Provide the Chief of Police, or authorized designee, with an annual summary of these complaints.

## VII. TRAINING REQUIREMENTS

- A. Clayton County is committed to eliminating and preventing harassment and discrimination, and expects all employees to contribute to a code of conduct that aligns with federal and state laws and the Clayton County Civil Service Rules and Regulations. Hence, Clayton County Human Resources shall provide:
  1. Training to all newly hired County employees, concerning the Clayton County Government's policies and procedures, rules and regulations, and employee's benefits and rights; and
  2. Triennial training to all County employees to maintain a safe, productive, team-oriented, legally compliant workplace by ensuring that all employees are familiar with the County's essential policies and procedures, Civil Service Rules and Regulations, and other employment related laws that guide behavioral expectations.

**Attendance is mandatory for all County employees.**

- B. The Clayton County Police Department's written directives (e.g., *Policies and Procedures, General Orders, Rules and Regulations, Instructional Materials, etc.*) will be distributed to employees through PowerDMS.
  1. All newly hired employees shall be issued a PowerDMS account so they can review and sign for written directives.
  2. All employees shall be responsible for reading and acknowledging all written directives within their PowerDMS account. Any employee who does not understand a written directive may seek clarification from their immediate supervisor or chain of command, before acknowledgement.
  3. Supervisors will ensure that each of their subordinates have acknowledged written directives, by conducting a visual inspection of the employee's PowerDMS home page.



4. All employees will have direct access to this policy, related policies and any future revisions via PowerDMS.

## VIII. ADDITIONAL RESOURCES

**Federal and State laws govern workplace behavior. This shall serve as a reminder that certain behavior in the workplace is illegal.**

- A. The three (3) main federal laws that govern workplace behavior are shown below.
  1. Civil Rights Act of 1964: The Title VII law of the Civil Rights Act prevents discrimination based on race, religion, sex, national origin, age, color, and disability. The Equal Employment Opportunity Commission is responsible for enforcing Title VII.
  2. Age Discrimination in Employment Act: Prohibits the age of an applicant who is forty (40) years or older from being a factor in the employment related decisions.
  3. Americans with Disabilities (ADA) Act: Prohibits employers from discriminating against qualified applicants and employees with disabilities.
- B. Article V of Chapter 70 of the Code of Clayton County, the County's Sexual Harassment Policy.
- C. Discriminatory and harassing behavior is strictly prohibited by Clayton County Civil Service Rules and Regulations, specifically:

Clayton County Civil Service Rule 3.113:

Non-Discrimination: No discrimination shall be exercised, threatened, or promised against or in favor of any applicant, eligible, or employee because of his race, religion, national origin, political beliefs, age, or sex. The Civil Service personnel program shall, at all times, be conducted in accordance with the guidelines of the U.S. Civil Service Commission and the regulatory provisions of the Civil Rights Act relative to non-discrimination.

Clayton County Civil Service Rule 3.114:

Racially Derogatory Terms: No employee shall, while performing duties for or in the employ of Clayton County, use racially derogatory terms or racial slurs directed toward any employee, citizen, or any other person. The use of racially derogatory terms by any employee should be immediately reported to supervisory personnel. Violations of this rule will result in dismissal or such other disciplinary action as the Board shall deem appropriate.

## IX. CANCELLATION

- A. This procedure amends and supersedes the following standard operating procedure: *C11: Harassment Prohibited* dated October 15, 2015.