

 Kinston Police Department	<u>POLICY: Harassment & Discrimination</u>						<u>POLICY #:</u> 200-18
	<u>NCLEA Standards: 1.21;</u>						
	<u>CALEA Standards: 26.1.3</u>						
	<u>NCLM Standards: I.5.;</u>						Effective Date:
<input type="checkbox"/> New <input checked="" type="checkbox"/> Revised	Revision Dates:	01/01/21	02/05/25				07-01-2019
Approval: Chief of Police							

I. PURPOSE

The purpose of this policy is to establish and inform all employees that harassment and discrimination on the basis of age, sex, race, color, religion, handicap or national origin is an expressly forbidden employment practice and assign accountability to the supervisor for such conduct by individuals under his/her supervision. The purpose is also to establish a procedure by which an employee may disclose and resolve complaints of harassment and discrimination by supervisors, fellow employees or new employees in a fair, sensitive and expedient manner.

II. DEFINITIONS

- A. **Harassment:** The behavior based on age, sex, race, color, religion handicap, or national origin that is unwanted, annoying and offensive to another employee. Acts that are intended in an innocent or friendly manner may be perceived by an individual as harassment, severely impacting physical, emotional and mental stability. Accusations may have a stressful impact on the harassed and if confirmed, is a violation of a person's rights and constitutes unacceptable job performance.
- B. **Sexual Harassment:** Defined by Federal Guidelines as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which constitute sexual harassment when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, 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 unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."
- C. **Discrimination:** Discrimination and harassment include, but are not limited to telling of sexual, racial, ethnic or religious related jokes, comments, insults, inquiries or recounting of sexual exploits, circulation of sexual cartoons, posting nude pictures, visual conduct such as "appreciative" glances, leers, whistles, sexual advances, physical contact such as hugging, patting (self or others), pinching, or other personal conduct or mannerisms that could be construed as offensive.

III. POLICY

- A. It is the practice of the department to foster and maintain a work environment free of intimidation, hostility, and offensiveness for all employees. The City of Kinston and the Kinston Police Department prohibits the harassment of employees because of race, age, sex, color, religion, handicap or national origin. All forms of harassment regardless of intent or severity is unacceptable job performance and are subject to disciplinary action which at a minimum will include written warning and/or suspension. Serious instances of harassment could result in immediate dismissal.
- B. Any employee who feels that he/she has been sexually harassed and discriminated against in violation of this policy should inform his/her supervisor immediately or may report the behavior to, or file a formal complaint directly with the Director of Human Resources. **(NCLEA 1.21) (CALEA 26.1.3)**
- C. If an employee has knowledge of another employee experiencing harassment at the hands of a fellow Department or City employee, the employee with the knowledge shall inform their immediate supervisor so the supervisor can follow the appropriate chain of command for investigation action.
- D. In addition to the Human Resources Director, two counselors are available to alleged victims of sexual harassment and discrimination who may feel the need to seek advice or counseling. All information shared with these counselors will remain confidential unless permission is given in writing by the employee to report the situation. The counselor will be appointed by the City Manager. (See City of Kinston Administrative Policy Sexual Harassment and Discrimination).
- E. No employee shall be retaliated against for reporting allegations of sexual harassment, workplace harassment or discrimination. **(NCLEA 1.21)**
- F. The Agency shall investigate all harassment and discrimination complaints.
- G. When an employee reports an allegation of sexual harassment, workplace harassment or discrimination, the employee shall be communicated with and kept informed on the status of the investigation.
- H. If a complaint is sustained, immediate action will be taken to remedy the matter and to protect the impacted employee.