



MARYLAND STATE POLICE PERSONNEL DIRECTIVE



Discrimination & Harassment

Distribution: All Employees	Index: PER 02.02
DLI Reference: 1-013	Rescinds: Chapter 4, Sec XX (A-H)
Issued: 01/01/2013	Revised: 03/05/2025

.01 Purpose

To establish procedures for addressing and resolving complaints of unlawful discrimination and harassment.

.02 Policy

The MSP prohibits discrimination and harassment in accordance with State and federal laws.

.03 CALEA Standards

LE: 26.1.3

TA: N/A

CM: N/A

.04 Definitions

DISCRIMINATION: unequal treatment of an employee or applicant based on race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, military status, or disability unrelated in nature and extent so as to reasonably preclude the performance of the employment.

HARASSMENT: includes unwelcome and offensive conduct, which need not be severe or pervasive, when the conduct is based on race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, disability, or military status and (1) submission to the conduct is made either explicitly or implicitly a term or condition of employment of an individual; (2) submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or (3) based on the totality of the circumstances, the conduct unreasonably creates a working environment that a reasonable person would perceive to be abusive or hostile. Harassment also includes sexual harassment.

SEXUAL HARASSMENT: includes conduct, which need not be severe or pervasive, that consists of unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature when (1) submission to the conduct is made either explicitly or implicitly a term or condition of employment of an individual; (2) submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or (3) based on the totality of the circumstances, the conduct unreasonably creates a working environment that a reasonable person would perceive to be abusive or hostile.

.05 References

MD. CODE ANN., STATE GOVT. § 20-601 ET. SEQ.

MD. CODE ANN., STATE PERS. & PENS. §11-101. ET SEQ.

COMAR 17.04.08.03

EXECUTIVE ORDER 01.01.2007.16, CODE OF FAIR EMPLOYMENT PRACTICES.

STATE OF MARYLAND SEXUAL HARASSMENT POLICY AND PROCEDURES, OCTOBER 1, 2024

.06 Procedures

A. Applicability

1. This policy applies to all:
 - a. situations where MSP personnel interact with others, and the:
 - (1) employee is acting as a representative of the MSP;
 - (2) employee is on duty or the situation takes place during work hours; or
 - (3) employee's actions or comments may be interpreted as those of an MSP employee or the MSP; and
 - b. matters of employee relations, including, but not limited to:
 - (1) opportunities for employment, promotion, transfer, education and training;
 - (2) supervision;
 - (3) performance appraisals;
 - (4) internal investigations; and
 - (5) discipline, demotion and termination.

B. Work Environment

1. Employees must treat each other with mutual trust, respect, fairness and dignity.
2. The strength of the MSP in accomplishing its mission depends on the ability of its employees to communicate and function effectively.
3. A work environment that nourishes respect and fairness among co-workers enhances morale and encourages similar relationships with the public.

C. Responsibilities

1. Complainants or other persons who have knowledge of an incident of discrimination or harassment should initiate the appropriate action to address the situation.
2. Persons in a position of authority (e.g., supervisors, commanders, etc.) who become aware of an incident of discrimination, harassment, sexual harassment, or acts of retaliation will initiate action or ensure that the appropriate actions are taken.
3. A person in a position of authority who fails to take the appropriate action is subject to disciplinary action.
4. When handling incidents under this policy, supervisors should consider mitigating strategies including, but not limited to:
 - a. separating the alleged antagonist from the victim, if necessary;
 - b. coordinating additional or remedial training; and
 - c. periodic follow-up communication with the victim to ensure no continuing action occurs.

Discrimination & Harassment

D. Harassment

1. Employees will not engage in any form of harassment, including sexual harassment.
2. The victim, as well as the accused, may be of any gender. The victim does not have to be of the opposite gender. The accused may be an employee's direct supervisor, a supervisor in another division, a coworker, or a non-employee.
3. The complainant or victim need not be the person harassed but could be anyone affected by the offensive conduct.

E. Retaliation

1. Any form of retaliation or encouraging retaliation against a person who is exercising their rights under this policy, and/or applicable law, is prohibited and may result in disciplinary action.
2. Threats or acts of retaliation against witnesses reporting, testifying, or supporting a complaint of discrimination or harassment are prohibited.

F. Reporting Harassment

1. Incidents of harassment will be promptly addressed.
2. Attempts will be made to address the circumstances at the lowest possible level with the intent to immediately correct the situation and prevent further occurrences.
3. Reporting Options
 - a. Informal Action
 - (1) An employee subjected to, or having knowledge of a suspected harassment situation, may personally, or with the assistance of a supervisor, confront the antagonist and make it understood that the behavior(s) or activities are considered to be a form of harassment, are unwanted, and must cease.
 - (2) If resolved satisfactorily, no further action is necessary, however, if a supervisor was involved, the resolution and outcome should be documented in the job observation records of the offending employee(s).
 - b. Formal Action Within the MSP
 - (1) If an incident rises to a level in which informal action is not appropriate, or if the circumstances are such that direct confrontation with the alleged antagonist would further aggravate the situation, the incident should be reported directly to the Office of Diversity, Equity, and Inclusion (ODEI) by completing a Form 51, Discrimination - Harassment Incident Report.
 - (2) In addition, the aggrieved employee may advise the antagonist's supervisor, the aggrieved employee's supervisor, the Department's Fair Practices Officer, the Equal Employment Officer assigned to the ODEI, any commander/director, or the Internal Affairs Division (IAD) of the incident.
 - (3) Any supervisor who becomes aware of an incident that is not resolved satisfactorily through informal action will promptly author a Form 17 describing the known details of the allegation and forward it directly to the ODEI.
 - c. Formal Action Outside the MSP
 - (1) Reports of harassment may be reported directly to the Baltimore District Office of the Equal Employment Opportunity Commission (EEOC), or the Maryland

Discrimination & Harassment

Commission on Civil Rights (MCCR).

- (2) Reports to these departments have separate filing requirements which may be found on the respective websites of each agency.

G. Reporting Discrimination

1. In order for a complaint of discrimination to be investigated, the employee claiming to be aggrieved will promptly complete a Form 51 and submit it to any supervisor, the ODEI, or the IAD. The Form 51 must identify the actions or practices which form the basis of the complaint, and must include a telephone number and address where the complainant or a representative can be contacted.
2. If a supervisor is made aware of an allegation of discrimination, the supervisor will remind the complainant of the requirement in section G-1 above and offer assistance, if needed. Additionally, the supervisor will promptly author a Form 17 describing the known details of the allegation and forward it directly to the ODEI.
3. The complaint shall be filed within 30 days after the complainant first knew or reasonably should have known of the alleged violation that is the basis for the complaint.
4. Complaints of discrimination may also be filed with the Maryland Commission of Human Relations, or the Equal Employment Opportunity Commission.

H. Processing Complaints of Discrimination, Harassment or Retaliation

1. For those incidents where a Form 51 is required as outlined above, if any information is not known at the time the Form 51 is filed, the Form 51 will still be forwarded immediately to ODEI and a separate Form 17 will be sent to ODEI when the additional information is known.
2. Upon confirmation that the complaint meets the established criteria, ODEI will investigate the complaint upon notification of the incident or upon receipt of a Form 51 and will ensure the appropriate steps are promptly taken to resolve the matter.
3. ODEI will notify the submitting party when the original Form 51 is received. The complainant and the respondent will be notified of the outcome of the investigation.
4. ODEI serves as the custodian of records and all information obtained as part of an investigation shall be treated as confidential.
5. ODEI will immediately notify the Office of the Superintendent if the complaint contains allegations, or the investigation reveals evidence, of misconduct involving MSP personnel.
6. When informed of a complaint of discrimination, harassment, sexual harassment and/or retaliation, commanders and directors will:
 - a. review the proper reporting procedures outlined in this policy with the complainant;
 - b. advise the respondent that if the alleged conduct/behavior is occurring, it must cease immediately;
 - c. caution the respondent against retaliatory acts; and
 - d. monitor involved personnel to prevent continuation of the conduct or retaliation.

I. Training

1. The MSP will provide sexual harassment training to all newly-hired employees within six months of initial employment and all other employees bi-annually.

Discrimination & Harassment

2. Periodically, the MSP may provide additional training on the contents of this policy as it relates to discrimination and harassment.

Approved:

Colonel Roland L. Butler, Jr.
Superintendent 03/05/2025