

ST. LOUIS COUNTY POLICE DEPARTMENT  
OFFICE OF THE CHIEF OF POLICE

November 23, 2021

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General Order **03-61**

## WORKPLACE HARASSMENT AND/OR DISCRIMINATION POLICY

### I. PURPOSE

The purpose of this Order is to establish a Department policy that will foster a healthy work environment and provide procedures for **the investigation and resolution of complaints concerning harassment, discrimination, and retaliation.**

### II. POLICY

The Department is committed to providing a work environment in which all individuals are treated with respect and dignity. Each employee has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Harassment, discrimination, and retaliation lowers morale, undermines the integrity of employee relationships, interferes with the efficiency of Department operations, exposes both the Department and its employees to liability, and constitutes serious misconduct that will not be tolerated. As such, the Department expects that all relationships among persons in the office be business-like and free of explicit bias, prejudice, and harassment. The Department shall take preventative and corrective action up to and including termination, to address any behavior that violates this policy or the rights and privileges it is designed to protect. Additionally, harassment by vendors, clients, customers, and other individuals or companies associated with the Department is also prohibited.

### III. DEFINITIONS

- A. Administrative Routing Software (ARS) – The Department’s computer software, which is used to route information to supervisors, other units, etc. (e.g., Blue Team).
- B. Allegated Employee – An employee who has been identified as the subject of an allegation of employee misconduct and has been notified of said allegation.
- C. Complainant – A person filing a complaint of discrimination, harassment, or retaliation.
- D. Disability – A physical or mental impairment that substantially limits one or more major life activities (e.g., hearing, standing, walking, breathing, concentrating, communicating, etc.).
- E. Discrimination – Unfavorable treatment of a person or group for reasons unrelated to ability, including those acts prohibited by federal and state law as well as county ordinance.
- F. Employee – All commissioned and professional staff members, chaplains, and any other individual operationally attached to the Department, to include contractors and task force members. This definition is solely used for convenience of reading

this policy and is not meant to establish an employment relationship with any individual(s) where such a relationship does not otherwise exist.

- G. **Family Member** – A grandparent, grandchild, aunt, uncle, niece, nephew, former spouse, sibling, stepsibling, sister-in-law, brother-in-law, parent, stepparent, mother-in-law, father-in-law, child, stepchild, daughter-in-law, son-in-law, or for the purposes of this policy, a relationship created through adoption.
- H. **Gender Expression** – The way an individual communicates gender identity through assertion, behavior, clothing, hairstyles, voice, or body characteristics.
- I. **Gender Identity** – A person’s internal sense of being male, female, or something else such as agender, binary, gender fluid, gender nonconforming, genderqueer, or nonbinary. Since gender identity is internal, one’s gender identity is not necessarily visible to others. All people have a gender identity.
- J. **Genetic Information** – Includes information about a person’s genetic tests and the tests of family members, family medical history, as well as the manifestation or prevalence of disease in family members.
- K. **Harassment** – Verbal, non-verbal conduct, or physical acts that are unwelcome or offensive to or retaliatory against an employee or group of employees based on their race, color, religion, sex, national origin, ancestry, age, disability or medical condition, genetic information, citizenship, familial status, marital status, sexual orientation/identity, gender identity/expression, veteran’s status, or political affiliation that may also result in a hostile or intimidating working environment.
- L. **Hostile Work Environment** – A workplace environment that a reasonable person, considering the totality of the circumstances, would find offensive or intimidating due to severe or pervasive conduct that alters the conditions of employment and creates an abusive working environment. An abusive work environment includes a workplace permeated with discriminatory intimidation, ridicule, bullying, or insult based on an employee’s race, color, religion, sex, national origin, age, disability or medical condition, genetic information, citizenship, familial status, marital status, sexual orientation/identity, gender identity/expression, veteran’s status, or political affiliation.
- M. **Medical Condition** – An abnormal state of health that interferes with the usual activities or feelings of well-being.
- N. **National Origin** – An individual’s, or their ancestor’s, place of origin; or the physical, cultural, or linguistic characteristics common to a specific group.
- O. **Personal Relationship** – Any relationship that extends beyond simple friendship which includes, but is not limited to, marriage and dating.
- P. **Prohibited Relationship** - A personal or familial relationship (e.g., family member) with an immediate supervisor that is within the employee’s chain of command.
- Q. **Protected Class** – members of a group defined by race, color, religion, sex, national origin, ancestry, age, disability or medical condition, genetic information, citizenship, familial status, marital status, sexual orientation/identity, gender identity/expression, veteran’s status, or political affiliation.
- R. **Retaliation** – Verbal, non-verbal or physical conduct, treatment, or discrimination, intended to persuade, coerce, or interfere with, or discourage an employee from

intervening in or reporting acts of harassment, filing a complaint, or assisting in the investigation of a complaint. This may also include conduct or treatment that is intended to intimidate an employee into abandoning a pending complaint.

- S. **Sexual Harassment** – Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with work performance, or creates an intimidating, hostile, or offensive work environment.
- T. **Sexual Identity** – Refers to one's internal sense of one's own gender. It may or may not correspond to the sex assigned to a person at birth and may or may not be made visible to others.
- U. **Sexual Orientation** – Refers to an individual's physical, romantic, and/or emotional attraction to people of the same and/or different gender. Examples of sexual orientations include straight (or heterosexual), lesbian, gay, and bisexual.

#### IV. **GENERAL**

##### A. **Harassment and Discrimination**

Harassment and discrimination may occur within varying degrees and are often interpreted by the individual or group that is affected. Regardless, harassment and/or discrimination in any form will not be tolerated. Employees are expected to behave in a manner which does not bring discredit to the Department or themselves, and are therefore prohibited from engaging in the following:

1. **Conduct that compels, incites, encourages, or aids another employee to discriminate, harass, or retaliate against another person; and**
2. **Explicit or implicit ridicule that mocks or belittles any person; and**
3. **Making offensive or derogatory comments about a Protected Class, either directly or indirectly to another person.**

**Examples of this include but are not limited to: racial or ethnic slurs or jokes, comments displaying gender-based stereotypes, religiously derogatory language, such as insulting or offensive comments about a particular religious persuasion, age-based teasing, remarks, jokes, or threats, intentionally creating an environment that makes it difficult for a disabled person to perform their job functions, the misuse of a person's name or gender pronouns, or asking personal questions about a person's body or gender transition.**

4. **Visually harassing another person. This includes derogatory written words, electronic mail, markings, posters, gestures, cartoons, drawings, t-shirts, etc. that relate to a Protected Class; and**
5. **Performing pranks or physically interfering with normal work or movement based on an individual's Protected Class; and**
6. **Refusing to hire an applicant, promote, or transfer an employee due to their Protected Class, despite the applicant's or employee's ability to perform the essential functions of the position for which they applied.**

##### B. **Sexual Harassment**

No employee shall sexually harass another person. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, **and other** verbal or physical

**Departmental General Order 21-061, "Workplace Harassment and/or Discrimination Policy"**

conduct of a sexual nature when submission to **or rejection of** such conduct **explicitly or implicitly affects an individual's** employment, unreasonably interferes with work performance, or creates an intimidating, hostile, or offensive work environment.

**Examples of these behaviors include but are not limited to: unwanted sexual advances or requests for sexual favors, sexual jokes and innuendo, verbal abuse of a sexual nature, commentary about an individual's body, sexual prowess or sexual deficiencies, leering, whistling or touching, insulting or obscene comments or gestures, display in the workplace of sexually suggestive objects or pictures, and other physical, verbal, or visual conduct of a sexual nature.**

**C. Relationships**

1. **Supervisors or employees of different ranks and/or status shall not be related to, or have personal relationships with, an immediate supervisor within their chain of command.**
2. **If any employee feels they are being treated unfavorably due to a familial or personal relationship within their work element, they are encouraged to follow the procedures outlined in section V. subsection A. of this order to initiate a complaint.**

**D. Retaliation**

1. **Any form of retaliation will not be tolerated.**
2. **Threats or acts of retaliation against any employee who files a harassment or discrimination complaint or any employee who assists, testifies, or participates in the investigation of such a complaint is prohibited.**
3. Any individual will be subject to appropriate disciplinary action, up to and including termination, if they retaliate against any person who:
  - a. **Intervenes in a situation to protect others; or**
  - b. **Refuses to follow orders that would result in discrimination; or**
  - c. **Resists sexual advances; or**
  - d. **Makes a complaint under this procedure; or**
  - e. **Communicates with a supervisor about discrimination or harassment; or**
  - f. **Assists in a harassment or discrimination investigation; or**
  - g. **Requests accommodation for a disability or religious practice.**

**V. PROCEDURES**

**A. Complaint**

1. **No complaint of harassment, discrimination, or retaliation shall be trivialized and will be handled as soon as reasonably possible.**
2. **Any employee wishing to report an incident of harassment, discrimination, or retaliation, as previously described within this directive, may:**
  - a. **Complete Department Form F-398 entitled *Complaint Form for Reporting Harassment, Discrimination, and/or Retaliation*. The form allows employees to provide limited information on the incident initially to ensure confidentiality is maintained throughout the complaint process.**



to determine the placement of the alleged employee during the course of the investigation.

- b. The detached alleged employee shall be notified in writing of the decision.
  2. All investigations shall be concluded within ninety (90) days from the date BPS was originally notified by the Division of Human Resources.
    - a. The Professional Standards investigator may petition the Board of Police Commissioners for an extension of the investigation up to sixty (60) days if good cause exists.
    - b. Each investigation is limited to two extensions per investigation and must be approved by the Board of Police Commissioners. The only exception to this is if the investigation is a result of a criminal investigation in which case there is no limit of sixty (60) day extensions.
  3. The complainant and alleged employee shall be notified, in writing, of all extensions.

**C. Final Disposition**

1. Complaints made in good faith, even if found to be unsubstantiated, will not be considered a false accusation. However, any employee who knowingly makes a false accusation of discrimination or harassment or knowingly provides false information during the investigation of a complaint, may be subject to discipline, including termination.
2. Upon receiving a rendered disposition of the investigation by the Chief of Police, BPS shall notify the complainant and alleged employee in writing of the final disposition of their allegation.
3. Notification shall also be made about the disposition of the investigation to the Executive Director of the Division of Human Resources.
4. The Executive Director of the Division of Human Resources, or designee, shall consult with the bureau/unit/precinct commander in a timely manner to arrange for the return of the alleged employee back into the necessary work element, if applicable.
5. If the complainant expresses concern about continuing to work in the bureau/unit/precinct after the conclusion of the investigation, the complainant may request a transfer through the Division of Human Resources. The Department will make every effort to reasonably accommodate requests for transfers; however, specific assignments will be based solely on the needs of the Department.

**D. Appeals**

1. An alleged employee may appeal a formal discipline decision utilizing the process outlined in General Order 005 *Complaint Review Procedures*, or its succeeding policy.
2. Employees also have the right to petition the good cause extension outlined in section V.,B.,2.,a. of this order as well as the final disposition of their BPS case.

Reference should be made to [RsMo 590.502](#) for further information regarding these rights covered under state law.

**E. Filing External Complaints and Grievance Review**

1. This policy does not preclude any employee from seeking legal redress outside the Department.
2. Employees who believe they have been harassed, discriminated, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. However, specific time limitations may apply to such charges.
3. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect the filing requirements with an external entity.
4. If an employee still finds their situation does not fit the criteria outlined in this order, reference shall be made to General Order 025 entitled *Grievance Review* for further determination if a grievance should instead be filed.

**VI. RESPONSIBILITIES**

**A. Employee Responsibility**

1. The Department relies on its employees to communicate and function effectively to further its mission which is best accomplished in a work environment that nourishes respect and fairness among co-workers. This environment not only enhances morale but encourages a similar relationship with the public. Therefore, employees shall treat each other with mutual trust, respect, fairness, and dignity.
2. Employees who encounter harassment should tell the person that their actions are unwelcome and offensive, although such action is not mandatory. Documentation of the incident is recommended.
3. Employees who witness an act of harassment, discrimination, or retaliation against another employee are required to intervene and report the incident as soon as possible utilizing Department Form F-398, when appropriate. The form may be completed and submitted on behalf of the victimized employee.
4. Any employee who believes, in good faith, that they have been discriminated against, harassed, subjected to retaliation, or observed harassment, discrimination, or retaliation, should immediately report such conduct. Department Form F-398 should be completed as soon as possible by the reporting employee and forwarded to the Executive Director of the Division of Human Resources for appropriate action.

**B. Supervisor's Responsibility**

**1. Training**

- a. An introductory training will be conducted by the Diversity and Inclusion Unit during supervisor orientation to provide newly promoted supervisors with additional tools to help in identifying and handling harassment, discrimination, and retaliation in the workplace.
- b. Annually, the Department shall make training available to supervisors that will aid them in identifying and handling harassment, discrimination, and retaliation in the workplace.

**2. The Workplace**

- a. Each supervisor shall assume responsibility for preventing acts of harassment, **discrimination, and retaliation** by:
  - 1) **Ensuring** their employees **know** what constitutes harassment, **discrimination, and retaliation as well as** the procedures for reporting and resolving such problems; **and**
  - 2) **Ensuring on an annual basis employees remain up to date on training courses, reviews of this policy, or any other associated material that is published in PowerDMS; and**
  - 3) Monitoring the work **bureau/unit/precinct** for signs of harassment, **discrimination, and retaliation**, and taking appropriate steps to intervene, **report**, and resolve the problem(s); **and**
  - 4) Assisting employees within the Department who come to **them** with a complaint of harassment, **discrimination, or retaliation** by following the procedures **outlined in this order. In addition to intervening in or reporting the incident on the employee's behalf as necessary.**
- b. **When a supervisor witnesses or learns of harassment, discrimination, and/or retaliation in progress it is their duty to:**
  - 1) **Immediately intervene in the situation and separate the participating parties as needed; and**
  - 2) **Start the reporting process by completing a Department Form F-398 on behalf of the complainant and initiate a case utilizing Department ARS.**

**C. BPS Responsibilities**

- 1. A file of all harassment, **discrimination, and retaliation** complaints shall be maintained by **BPS** in a secure location **with all files being retained at least for the duration outlined in state law.**
- 2. **BPS will be responsible for preparing and distributing summary reports on all harassment, discrimination, and retaliation allegations filed within the Department on a quarterly basis.**
- 3. **Summary reports will exclude individual names and personal identifying information, and will be provided to:**
  - a. The Chief of Police; **and**
  - b. **To the Commander of the Diversity and Inclusion Unit.**

**D. Diversity and Inclusion Unit Responsibilities**

- 1. **If any employee approaches a member of the Diversity and Inclusion Unit with a complaint of harassment, discrimination, or retaliation, the unit shall assist the employee in completing a F-398 form or file the form on the employee's behalf. The completed form will be sent directly to the Executive Director of the Division of Human Resources.**



**Departmental General Order 21-061, "Workplace Harassment and/or Discrimination Policy"**

2. Quarterly, the Diversity and Inclusion Unit will receive, through their chain of command, a summary report from BPS on all harassment, discrimination, and retaliation allegations that have been filed within the Department.
3. The Diversity and Inclusion Unit will utilize and discuss the summary data quarterly with the Chief, Deputy Chief, Executive Director of the Division of Human Resources, and the Commander of BPS.
4. A final report shall be prepared by the Diversity and Inclusion Unit and approved through their chain of command. Upon final approval from the Executive Director of the Division of Human Resources, the final report will be presented to Executive Command Staff and the Chief of Police on a quarterly basis. Both the unit and report shall serve the purpose of advising leadership of potential concerns and recommended training that should be provided.
5. An annual report will also be compiled and include all allegations and final dispositions of workplace harassment, discrimination, and retaliation cases that involve Department employees. This report will be culminated from the quarterly reports created in section VI., C. and will be made publicly available upon completion and final approval.

**Attachments**

[Statement of Anti-Discrimination](#)  
[F-398 Harassment, Discrimination, and/or Retaliation Complaint Form](#)  
[HR Complainant Informational Packet](#)  
[RsMo 590.502](#)

Adopted by Command Staff

By order of:

LIEUTENANT COLONEL KENNETH GREGORY  
Acting Chief of Police

KG:mw

Approved at the regular meeting of the Board of Police Commissioners dated November 23, 2021.

\_\_\_\_\_  
Commissioner  
Chair

\_\_\_\_\_  
Commissioner  
Secretary

Distribution  
All Department Personnel

CALEA Reference  
26.1.3