

Seattle Police Department Manual

5.040 - EEO Complaints and Investigations

Effective Date: 04/01/2019

An EEO (Equal Employment Opportunity) complaint is an oral or written complaint alleging discrimination or harassment, both of which are strictly prohibited.

Discrimination is any act, by itself or as part of a practice, which is intended to or results in different treatment or differentiates between or among individuals or groups of individuals by reason of race, color, age, sex, marital status, sexual orientation, gender identity, political ideology, creed, religion, ancestry, national origin, honorably discharged veteran or military status; or the presence of any sensory, mental, or physical disability.

Harassment is a form of discrimination characterized by any of the following circumstances:

- Submission to discriminatory conduct is made either explicitly or implicitly a term or condition of employment
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- 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

Sexual harassment is defined as unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature under the above circumstances.

For further guidance, see <http://www.eeoc.gov/>.

This Policy 5.040 shall at all times be construed in a manner consistent with the [City of Seattle Personnel Rules](#) and will be construed to provide no less protection against discrimination and harassment than is required by applicable federal and state laws.

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1. The Human Resources Director Shall Monitor all Department Procedures Regarding Fair Employment and Labor Practices

2. The Human Resources Director Shall Oversee the Investigation of Complaints of Discriminatory Misconduct by Department Employees

3. The EEO Investigator Will Investigate Complaints

The EEO Investigator will investigate all discrimination and harassment complaints as defined in this policy 5.040, as well as complaints of retaliation for bringing or participating in an EEO investigation. All other complaints will be referred through appropriate channels.

- The EEO Investigator shall notify the chains of command of both the complainant and the named employee.

4. Supervisors and Managers Shall Immediately Take Action When There is an Indication That Harassment May be Occurring

See 5.040-PRO-1 EEO Investigations.

5. The Chain of Command of the Accused Employee Will Cooperate With the EEO Investigator

6. Employees May, at any Time, Seek Redress from an Enforcement Agency or a Court of Law

Administrative agencies (Washington State Human Rights Commission, Seattle Human Rights Commission, and the Equal Employment Opportunity Commission) have established time limits for filing complaints. In most cases, such a complaint must be filed within 180 days of the last date of alleged harm.

7. Supervisors and Managers Shall Maintain Confidentiality of EEO Complaints and Investigations

8. The EEO Investigator Shall Complete the Investigation No Later Than 180 Days From the Receipt of the Complaint or From the Time That a Supervisor Became Aware of the Situation

The time limit for completing an investigation may be extended if it is determined by the Human Resources Director that additional time is necessary for a full and complete investigation. The named employee will be immediately notified

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in writing of any extension, with a courtesy copy sent to the complainant.

9. All Misconduct Records and Complaints and Their Resolutions Will be Maintained by the EEO Investigator and Human Resources

When a complaint is determined to be unfounded or not sustained, the record of the complaint shall be expunged three years after the end of the year of the complaint.

When a complaint results in a sustained finding, the record shall be expunged six years after the end of the year of the complaint.

- A file may be maintained for a longer retention period if there is a hold requested by the Department legal adviser. The legal adviser shall be responsible for releasing the hold.

5.040-PRO-1 EEO Investigations

Employee

1. **Notifies** a supervisor or management representative of an EEO complaint
 - Alternatively, the employee may contact the supervisor's supervisor, the EEO Investigator, OPA-IS Captain, or another management employee.

Supervisor or Manager

2. **Takes** immediate action, in consultation with SPD Human Resources, by doing the following:
 - a. **Mitigates** the matter to prevent harm from continuing while an investigation is pending; for example, removing the named employee from the workplace, granting time off to the complainant if requested, temporarily changing work locations of the named employee or complainant (if the latter consents).
 - b. **Documents** the mitigation efforts in a memo. **Provides** a copy of the memo to both the complainant and the named employee.

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- c. **Refers** the incident to the EEO Investigator via the chain of command, for further action

EEO Investigator

3. **Conducts** intake to evaluate the appropriate course of action – for example: investigation, contact log, or referral to OPA.
4. **Assesses** the need to recommend removal of the parties from the same work environment, if this has not already occurred through initial mitigation by the supervisor or manager
5. If investigation is determined to be the course of action, **notifies** the named employee in writing that an EEO complaint has been filed and will be investigated
6. **Complies** with any right to union representation of individuals, including the named employee, who may be disciplined based on their statements
7. **Advises** all parties to the investigation that all forms of retaliation against the complainant violate city ordinance, as well as state and federal law
8. **Conducts** investigation through completion, making recommendation as to whether each alleged EEO policy violation is Sustained or Not Sustained
9. **Forwards** the case to the Assistant Chief of the named employee

Assistant Chief, Section Captain of the Named Employee, and Human Resources Director

10. **Meet** with EEO investigator to review case and recommended findings of the investigation (whether there was a policy violation)
11. **Deliberate** and make final determination whether each alleged EEO policy violation is Sustained or Not Sustained, and determine, personnel actions, and organizational follow-up to recommend to the Chief of Police
12. **Submit** their recommendations to the Chief of Police

Human Resources Director and Chief of Police

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13. **Verify** that the named employee has received the results of the investigation, and provide the named employee an opportunity to provide a response to the allegations
14. **Consider** any additional information provided by the named employee
15. **Make** a final decision regarding disciplinary action
16. The Human Resources Director then **notifies** the EEO Investigator of the decision.

EEO Investigator

17. Upon request, **provides** a written summary of the investigation outcome to the complainant and the named employee