


STANDARD OPERATING PROCEDURE			
	SUBJECT: HARASSMENT AND DISCRIMINATION IN THE WORKPLACE DPS SOP 2010-20	DIVISION: DEPARTMENT OF PUBLIC SAFETY	DISTRIBUTION: ALL PERSONNEL
	ISSUING AUTHORITY: ROBERT MALDONADO CHIEF, CAMPUS SAFETY AND EMERGENCY MANAGEMENT SERVICES (Signed Electronically)	EFFECTIVE DATE: OCTOBER 29, 2010 Revised Date: July 16, 2021	Reviewed re IACLEA and CALEA LE-1 add 22.4.1

Harassment and Discrimination in the Workplace

INDEX	PAGE
References and Attachments	2
Applicability, Purpose, Policy, Definitions	2
Procedures	3
Prohibited Conduct	3
Title IX Compliance, Employee Responsibilities-Supervisors	4
Employee Responsibilities- Employees	4
Complaint Procedure	5
Confidentiality, Discipline	6
Appeals, Employee Representation	7
Training	7
Special Considerations	7

IACLEA STANDARDS:

Standards	Page
2.1.5	5
4.1.2 a	2, 5
4.1.2 b	7

CALEA STANDARDS:

Standards	Page	Standards	Page
26.1.3	2, 5	22.4.1 d	5, 6
22.4.1 a	3	22.4.1 e	6
22.4.1 b, c	5	22.4.1 f	7

REFERENCES:

- Civil Rights Act of 1964
- Syracuse University Human Resources Policy on Non-Discrimination and Anti-Harassment in Employment
<https://policies.syr.edu/policies/employment-workplace-rules-benefits-and-governmental-notices/>
- SOP 2010-07 Internal Affairs/Professional Standards
- SOP 2015-08 Title IX Complaints, Investigations & Training
- SOP 2010-22 Disciplinary Procedures

ATTACHMENTS: None

I. APPLICABILITY: This Standard Operating Procedure is applicable to all Syracuse University Department of Public Safety (DPS) employees.

II. PURPOSE: The purpose of this standard operating procedure is to promote and protect the existence of a healthy work environment for all personnel, and to provide procedures for reporting and investigating complaints of harassment, sexual or otherwise, in accordance with existing University policies. It is in the best interests of the University, the Department of Public Safety, and its employees, to ensure that harassment victims are aware of their rights and to encourage them to seek an early resolution to problems of this nature before the situation becomes intolerable and negatively impacts the personal and professional lives of those involved.

Regardless of where the harassment occurs in the workplace or outside the workplace, it is important that all employees share a common commitment to interpersonal sensitivity, trust and respect for the rights of coworkers. Each employee must understand that any form of harassment or discrimination is strictly prohibited not only by departmental and University policy but also by federal, state, and local civil rights law.

III. POLICY: The Department's policy is to provide a professional, businesslike environment free from all forms of employee discrimination including sexual harassment. All DPS personnel and University employees have the right to work in an environment that is free from all forms and types of harassment. Accordingly, employees are strictly prohibited from engaging in the harassment, sexual or otherwise, of fellow employees or any other person. **(4.1.2 a) (26.1.3)**

IV. DEFINITIONS:

- A. Employee Discrimination - Less favorable treatment of persons who are protected by law where the treatment is based upon the person's protected category (race, color, religion, sex, or national origin). Examples include: refusal to hire, different job assignments, harassment; denial of raises, transfers, assignments or promotions, unjust performance evaluations; unwarranted discipline and/or discharge.
- B. Harassment - Any conduct that adversely affects a person's working environment. Examples include but are not limited to verbal comments, written or drawn materials, unsolicited and unwelcome electronic communications and/or other non

verbal actions. Harassment and other prohibited conduct may occur in the actual work place, or outside of the actual workplace and may be directed at one specific individual, and may involve the behavior of co-workers, supervisors, or non-employees. Professional Supervisory criticism is not considered harassment.

- C. Sexual Harassment - The Civil Rights Act of 1964 prohibits discrimination based on color, race, religion, age, national origin, and sexual orientation. Sexual harassment is a form of sex discrimination, defined as unwelcome sexual advances, requests for favors, and other verbal or physical conduct that enters into employment decisions, or conduct that unreasonably interferes with an employee's work performance or conduct which creates an intimidating, hostile, or offensive working environment. Two kinds of sexual harassment are applicable: quid pro quo harassment, and hostile work environment harassment. Quid pro quo and hostile work environment harassment can be defined herein, and the two forms of harassment are not mutually exclusive.
- D. Quid Pro Quo Harassment - This form of harassment occurs when an employee is being pressured to engage in sexual conduct or else lose some type of tangible job benefit (Quid Pro Quo is Latin for 'this for that'). This form of harassment typically occurs between a supervisor and a subordinate wherein the supervisor has power to control the subordinate's work conditions or benefits. This form of harassment is not limited to express demands for sexual favors, but may also be implied by circumstances. *Examples of inappropriate behavior include, but are not limited to: A request for sexual favors, accompanied by implied or overt threats negatively affecting a person's employment status, granting job favors or benefits to those that consent to sexual conduct while penalizing those who refuse to participate; telephoning, texting, following, or emailing an employee either during University work hours or not, and/or engaging in unwanted, intentional touching to include patting, massaging, rubbing, or hugging.*
- E. Hostile Work Environment - Unwelcome sexual conduct that has the purpose or effect of reasonably interfering with an employee's work performance or creates an intimidating, hostile, abusive or offensive work environment. A hostile work environment occurs when an [employer] supervisor, tolerates or accepts unwelcome, pervasive conduct that can include but not be limited to sexual or degrading comments of a suggestive nature, vulgar or sexist jokes or innuendoes directed or intended for other employee(s), posted or sent photographs, drawings, pictures or caricatures that are or can be construed as demeaning, or offensive language.
- F. Title IX: Refers to the amendments of the US Department of Education Act of 1972 that require mandated forms of handling and reporting of matters relating to sexual violence and harassment involving students (09/30/15)

V. PROCEDURES:

A. Prohibited Conduct: (22.4.1 a)

1. No employees shall either explicitly or implicitly ridicule, mock, deride, or belittle any other individual.

2. DPS employees shall avoid physical contact with other employees or individuals unless required by some manner of training situation or law enforcement procedure.
3. Personnel shall not retaliate against another DPS or University employee or take any punitive action against any non University affiliate for reporting an act of discrimination or sexual harassment, providing testimony or a sworn account, or otherwise assisting in an investigation.
4. Employee conduct, whether intentional or unintended, that result in harassment, and/or discrimination of other employees regarding race, color, religion, sex or national orientation is illegal and will not be tolerated. Such conduct regardless if it occurs in the workplace or outside the workplace will not be tolerated and will result in disciplinary action, up to and including termination.

B. Compliance with Title IX of the U.S. Educational Amendments of 1972: Title IX prohibits discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assistance. The law, originally associated with gender equity in college sports programs, has since been interpreted to include sexual harassment and sexual violence and other forms of harassment involving students and employees.

Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. DPS employees are defined as "Responsible Employees" who have the authority, mandate and duty to take action to redress sexual violence and related acts of harassment involving students and/or University employees and to report those matters to their DPS Supervisor and to the SU Title IX *Coordinator*

While responding to and investigating matters associated with this SOP, employees are reminded to be mindful of and to refer to SOP 2015-08 Title IX Complaints, Reporting, Investigations and Training which has established protocols and procedures for initiating, handling and reporting of Title IX Complaints. (09/30/15)

C. Employee Responsibilities:

1. Supervisors: Supervisors will not engage in, nor tolerate, any form of harassment, discrimination, or retaliation and will:
 - a. Set an example, through their daily conduct, of acceptable personal and professional behavior.
 - b. Monitor the workplace and ensure that it is free of harassment and/or any manner of discrimination.
 - c. Instruct all subordinates on the types of behavior that is prohibited, and the department and University procedures for reporting discrimination and harassment.
 - d. Immediately stop any acts or behavior of perceived discrimination and/or harassment and apprise the offender that the conduct is prohibited and will not be tolerated.

- e. Report perceived or actual discrimination or harassment to the Department's command structure, through the chain of command, in a timely manner.
 - f. Take immediate action to limit, as much as possible, work contact between the aggrieved party and the offender until such time that the Chief or a Command Officer can take appropriate action and/or conduct a thorough investigation.
 - g. Assist employees and/or other individuals who come to them with a discrimination or harassment complaint to include documenting and filing a complaint in compliance with this directive and SOP 2010-07 - Internal Affairs - Professional Standards.
2. Employees: All DPS employees are responsible for assisting in the prevention of discrimination and harassment through the following actions:
- a. Conducting oneself in a professional manner.
 - b. Refraining from participating in, tolerating, or encouraging any actions or behavior that could be perceived or interpreted as discriminatory or harassing; and immediately cease any behavior upon being told that it is offensive.
 - c. Informing coworkers that any perceived conduct is offensive and unwelcome.
 - d. Immediately reporting any violations of this policy to a supervisor. **(22.4.1 c)**
 - e. Encouraging other employees who are being harassed or discriminated against to report the behavior to a supervisor, command officer, or to the University's Human Resources Department.
 - f. Taking all necessary and lawful steps to immediately stop any actual or perceived discrimination or harassment that is observed that is in violation of Syracuse University policies or local, state or federal law. **(2.1.5) (07/16/21)**

D. Complaint Procedure: (4.1.2 a) (26.1.3) (22.4.1 d)

- 1. Reporting: Any employee who believes that he/she is being harassed as defined in this SOP (See "Definitions") should immediately report the incident(s) to his/her immediate supervisor.
- 2. Alternative Reporting Procedure: When this is not possible or practical, or the offending party is in the complainant's chain of command the employee may go outside the normal chain of command and report the behavior to another supervisor or Command Officer, or seek redress through the University Human Resources Department. **(22.4.1 b)**
- 3. Employee Assurances: An employee who registers a complaint should be assured that:

- a. The complaint will not adversely affect the complainant's career or standing with the Department or University, which includes "Whistleblower" protection. (09/30/15)
 - b. Either the Department or Human Resources Department will conduct a thorough investigation.
 - c. The complainant will not be subjected to any retaliatory actions by the Department, the University or co-workers.
 - d. As much as possible and inasmuch as the investigation allows, the complainant will be afforded every measure of confidentiality.
4. The supervisor or command officer receiving the complaint will:(22.4.1 d,e)
- a. Meet with the aggrieved employee and record the facts surrounding the complaint to include: the identity of the involved parties, the date, place and time of the alleged incident(s), the specifics surrounding the discriminatory or harassing behavior, and any possible witnesses.
 - b. The supervisor or command officer receiving the complaint will transmit the complaint up through the department's hierarchy in an expeditious manner and the chain-of-command will ensure that the Chief is apprised of the complaint in a timely manner.
 - c. No supervisor or command officer will be empowered to pass judgment or assess the validity or merits of any complaint, and no supervisor or command officer will discourage or hinder the filing of a complaint.
5. The Chief, upon receiving notification of the complaint, will assign a member of the department, usually the command officer in charge of Internal Affairs, to investigate the complaint; or depending on the seriousness of the complaint and if the complainant is willing, the Chief may elect to have the University's Office of Human Resources investigate the complaint.
6. In all cases, the Office of Human Resources will be notified of harassment complaints.
7. In the event that the departmental member [Internal Affairs] conducts the investigation, it will be done in a thorough and comprehensive manner and under the same reporting procedure as any other complaint of professional misconduct pursuant to SOP 2010-07.
8. Subsequent to the completion of the investigation, the Chief or a designee will advise all parties in writing of the outcome of the investigation.

E. Confidentiality:

1. Department members who intentionally or inadvertently discover information regarding a discriminating or harassing act, or who become otherwise aware of an investigation, must consider the information confidential and should not disclose or share that information with others unless they are directed to do so as part of a formal investigation.

F. Discipline:

1. If an allegation of discrimination and/or harassment is found to have merit, the Chief will immediately order remedies to correct the underlying problem(s) and will ensure that the issue is not pervasive.
2. Subsequent to the completion of an investigation and a finding of fact, any employee found to have engaged in discrimination or harassment will be subject to disciplinary action up to and including termination. References is made to SOP 2010-20 Disciplinary Procedures for procedural information and the manner and process for an employee to be represented or to appeal a finding made under this policy. **(22.4.1 f)**
3. Employees in violation of this policy will, in addition to other disciplinary actions, be required to attend some manner of counseling or harassment training unless discharge is the recommended sanction.

G. Training: (4.1.2 b)

1. Initial and Annual Training: All sworn and civilian employees of the Department shall receive initial training after being hired and in-service training at least biennially, or as appropriate to acquaint them and re-familiarize them with the respective issues surrounding discrimination and unlawful harassment. (xx/xx/xx)
2. The training will be provided by the Department and/or the University and will provide at a minimum:
 - a. Definition of discrimination and harassment
 - b. An explanation of the Department's policy
 - c. Information pursuant to complaint grievance procedures.

H. Special Considerations

1. Nothing in this policy is intended to restrict or abridge any University policy respective to non-discrimination and equal opportunities, workplace harassment, and/or sexual harassment that can be found on the Syracuse University Human Resource Department webpage at: <http://humanresources.syr.edu/policies.html> .

POLICY REVISION HISTORY

NO	SECTION REVISED	DATE ISSUED
1	IACLEA and Title IX Revisions	09/30/15
2	IACLEA, CALEA LE-1 Review	05/07/18
3	IACLEA 2 nd Ed. Revisions	07/16/21
4		
5		

