

535 SEXUAL HARASSMENT

I. PURPOSE: The purpose of this directive is:

- A. To state department policy concerning allegations of sexual harassment which adequately address the avoidance and alleviation of sexual harassment at all levels and phases of Tampa Police Department operations;
- B. To establish procedures for reporting incidents of sexual harassment which objectively and impartially provide for the immediate investigation and timely resolution of all reported incidents; and
- C. To define instances of sexual harassment.

II. POLICY: The policy of this department is that all personnel, sworn and professional staff will work in an environment free from sexual harassment. Sexual harassment by any employee will not be condoned or tolerated.

The department will immediately investigate all sexual harassment complaints and, where founded, take appropriate, necessary and immediate disciplinary action (which may include termination) against any employee who violates this policy.

III. DEFINITION: Sexual harassment consists of any sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when an employee's response to such conduct affects that employee's job status or working environment.

Sexual harassment includes, but is not limited to, the use of slurs, derogatory comments, or other physical or verbal conduct directed at or based upon gender, or sexual advances or suggestions wherein:

- A. Submission to such conduct is either an expressed or implied term or condition of employment; or
- B. Submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or
- C. The conduct has the purpose or effect of unreasonably interfering with an affected person's work performance or creates a working environment that a reasonable person would find intimidating, hostile or offensive.

IV. GENERAL:

- A. Employee Responsibility:

Any employee who believes that he or she is being sexually harassed by any other employee or non-employee who comes to the work environment, e.g., sales person, repair person, should promptly take the following steps:

1. Initially, the employee has the option of politely, but firmly, confronting whoever is doing the harassing, stating how the actions are perceived and requesting that the person cease the harassment immediately. As soon as practical, the harassed employee should report the attempts to personally resolve the sexual harassment problem to his or her immediate supervisor, requesting that a written record be made of efforts to solve the problem. All relevant details and results of the attempts should be reported. This may be done orally or in writing, or, step IV.A.2. (below) may be initiated without attempting to resolve the situation personally.
2. If it is believed that some adverse employment consequence might result from a direct confrontation, the immediate supervisor should be consulted. If the circumstances prohibit this action, the behavior should be reported to the division or bureau commander (or in his/her absence, the respective deputy chief). The specific and relevant details of the sexually harassing behavior should be given in writing. Who did the harassing? What was done? What was said? When did this happen? Were there any witnesses (if so, name them)? Has this happened before? Has this happened to others?

Should the harassment continue during the investigation or after initial resolution of the reported problem, the above (step 2.) should once again be utilized.

3. If after a reasonable length of time, (5-10 calendar days) the employee believes inadequate action is being taken to resolve the complaint, the employee should go directly to the chief of police for resolution of the complaint. The nature and severity of the complaint might readily mandate elevating the complaint in less than 5-10 calendar days.

B. Management Responsibility:

All managers and supervisors, as part of their job requirements, are responsible for preventing and eliminating sexual harassment in their respective work areas.

1. Any complaint of sexual harassment will receive the immediate attention of the supervisor or manager to whom it is made. The complaint will be forwarded in writing via confidential mail to the

division or bureau commander (or in his/her absence the respective deputy chief of police). The immediate supervisor of the accused employee will explain the nature of the complaint to the employee as soon as possible and take steps to ensure no further incidents occur during the pendency of the investigation.

2. The division or bureau commander (or deputy chief) to whom the complaint is forwarded will cause the chief of police to be notified of the incident and will forward written details of the complaint (through the appropriate deputy chief) to the Internal Affairs Unit.
3. Because of their sensitive nature, complaints of sexual harassment will be investigated by the Internal Affairs Unit, and will be coordinated with the Department of Human Resources.

Upon completion, the report will be forwarded to the chief of police, who may designate any staff member to review the incident and, if necessary, confer with the parties involved and any witnesses.

4. To protect the confidentiality of an employee who files a complaint, to encourage the reporting of any incidents of sexual harassment, and to protect the reputation of an employee who might wrongfully be accused of sexual harassment, information concerning a complaint of sexual harassment will not be released by an employee of this department to anyone in or out of the department, except as provided in established rules governing Internal Affairs Unit investigations.
5. If the investigation reveals that the complaint is valid, prompt measures will be taken designed to stop the harassment immediately and prevent its recurrence. Such measures might include disciplinary action ranging from reprimand or suspension for single minor offenses, to demotion or termination for multiple or major offenses.
6. Retaliatory action against an employee who files a sexual harassment complaint will not be tolerated.

Supersedes SOP 535, dated 11/18.