



VSP-DIR-133

Harassment, Discrimination, and Unprofessional Conduct

1.0 Purpose

- 1.1 The purpose of this policy is to foster a healthy work environment in which all employees are treated with respect and dignity while also providing procedures for reporting, investigating, and resolving complaints of harassment, discrimination, and unprofessional conduct.
- 1.2 The Vermont State Police is opposed to discrimination of all types and is contractually and legally bound to prohibit unlawful discrimination in the workplace that is based on a protected class status.
- 1.3 To meet requirements established in the respective collective bargaining agreements between the State of Vermont and the Vermont Troopers Association & Vermont State Employees Association.

2.0 Definitions

- 2.1 Discrimination – Unfair or unequal treatment of an individual or group based upon protected class status.
- 2.2 Protected Class Status – Includes race, color, creed, age, religion, place of birth, ancestry, national origin, sex, sexual orientation, gender identity, marital status, crime victim status, disability, worker's compensation status, nursing mothers (breastfeeding), pregnancy, credit history, flexible work schedule, family leave status, membership or non-membership in a union or other criteria as established within this directive and applicable state or federal law, regulations, or collective bargaining agreements. See also 21 V.S.A. § 495 and 42 U.S.C. § 2000e.
- 2.3 Bullying – Repeated inappropriate behavior, abuse, or mistreatment conducted by one or more persons against another or others in the course of employment and involves a real or perceived power imbalance. Bullying includes behavior, either direct or indirect, that demeans, embarrasses,

humiliates, persistently annoys, alarms, or verbally abuses a person. May also be referred to as hazing.¹

2.4 Harassment – Unwanted, unwelcome, or uninvited conduct that demeans, threatens or offends another person. Harassment becomes unlawful where (1) enduring the offensive conduct becomes a condition of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.²

2.5 Sexual Harassment – A form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- A. Submission to that conduct is made either explicitly or implicitly a term or conditions of employment; or
- B. Submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or
- C. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Such conduct can be demonstrated verbally, physically, visually, or in an auditory fashion and is prohibited. See also [VSP-DIR-118](#), Sexual Harassment and 21 V.S.A. § 495d(13).

2.6 Retaliatory Conduct – Conduct or action designed to serve as retribution against an employee who, in good faith, has reported or otherwise provided information regarding misconduct against another employee. In the context of this policy, retaliatory conduct includes any deliberate, purposeful actions or failures to act directed against employees that cause or that could reasonably be expected to cause physical harm, property damage, significant emotional stress, or other serious negative effect on another employee; designed to ridicule or embarrass; or could seriously impair the

¹ See the IACP Policy Center documents on Harassment, Discrimination, and Unprofessional Conduct available at <https://www.theiacp.org/resources/policy-center-resource/harassment-discrimination-and-unprofessional-conduct>

² Equal Employment Opportunity Commission (EEOC), "Harassment," <https://www.eeoc.gov/laws/types/harassment.cfm>.

efficiency, safety, or effectiveness of that employee, the Department, or both. Such conduct may take many forms, including, but not limited to, bullying; persistent offensive comments, threats, or intimidation; false accusations; isolation; ostracism; posting of secure or personal information on the Internet; or acts that malign or disparage an individual's reputation.³

3.0 Policy

- 3.1 All employees should enjoy a working environment that is free from all forms of harassment, discrimination, and unprofessional conduct.
- 3.2 The Vermont State Police prohibits any type of discrimination in the workplace.
- 3.3 It is the policy of the Vermont State Police that no employee shall engage in any acts that threaten, intimidate, harass, demean, or torment fellow employees.
- 3.4 The Department considers harassment, discrimination, unprofessional conduct, bullying, hazing, and retaliation of others to be serious employee misconduct.
- 3.5 Any prohibited conduct covered by this policy that comes to the attention of a supervisor shall result in a report being made to the Office of Internal Affairs.
- 3.6 It is unlawful and a violation of this directive to engage in retaliatory conduct against an employee and/or member of the public for filing a complaint of prohibited conduct, reporting prohibited conduct, or acting as a witness for a person who has filed a complaint of prohibited conduct.

4.0 Prohibited Conduct

4.1 Unprofessional Conduct

- A. No employee shall treat another employee with disrespect or discourtesy. Employees shall be civil and professional in their dealings with one another at all times.

³ See the IACP Policy Center documents on Retaliatory Conduct available at <https://www.theiacp.org/resources/policy-center-resource/retaliatory-conduct>.

- B. No employee shall either explicitly or implicitly ridicule, mock, deride, engage in bullying conduct, or belittle any fellow employee.

4.2 Discriminatory Treatment

- A. No employee shall treat any employee differently based on a protected class status.

4.3 Prohibited Harassment

- A. No employee shall make offensive or derogatory comments to any person, either directly or indirectly, whether verbally, in writing, or through the use of electronic devices or Internet.
- B. No employee shall engage in activity such as slander, ostracism, badgering, withholding resources, disruptive treatment and/or conduct that intimidates or is hostile. Nor shall an employee allow non-employees who conduct business with the Department to engage in such activity. All prohibited acts of these types will be judged on the basis of conduct that is “objectively reasonable.”
- C. No employee shall perform an objectively unreasonable act upon another employee based upon that employee’s perceived protected class status.
- D. No employee shall use social media platforms, blogs, or the Internet to harass another employee. This prohibition includes the use of social media platforms, blogs, and the Internet outside the workplace. Members are likewise guided by the provisions of [VSP-DIR-123](#), Social Media.

5.0 Procedure

- 5.1 All members are expected to comply with this directive and take appropriate measures to ensure that discrimination, harassment, unprofessional conduct, bullying, and retaliatory conduct do not occur in the workplace. This is accomplished by:
 - A. Not participating in such action(s) or condoning of such action(s);
 - B. Reporting observed acts of harassment, discrimination, unprofessional conduct, bullying, or retaliatory conduct to a supervisor; and

- C. Encouraging any employee who confides that they are being harassed, discriminated against, treated unprofessionally, bullied, or subject to retaliatory conduct, to report these acts to a supervisor.
- 5.2 Members engaging in discriminatory actions, harassment, unprofessional conduct, bullying, or retaliatory conduct, or who invite or provoke such conduct, shall be subject to appropriate disciplinary action.
 - 5.3 All members will be guided by [VSP GEN-205](#) regarding the receipt, reporting and investigations involving all allegations of discrimination, harassment, unprofessional conduct, bullying, or retaliatory conduct involving department members.
 - 5.4 In dealings with the general public, members shall refrain from expressing any bias or prejudice concerning a protected class status or similar personal characteristics. This includes the physical and/or mental condition of an individual.
 - 5.5 Members shall not publicly criticize or ridicule any person by speech, writing, or other expression, which is defamatory concerning a protected class status or similar personal characteristics. This includes the physical and/or mental condition of an individual.
 - 5.6 Supervisory Responsibilities
 - A. Supervisors shall be responsible for:
 - 1. Advising members on the types of behavior prohibited and Department procedures for reporting and resolving complaints of harassment, discrimination, unprofessional conduct, and bullying;
 - 2. Monitoring the work environment on a daily basis for signs that harassment, discrimination, unprofessional conduct, or bullying may be occurring;
 - 3. Stopping any observed acts that may be considered harassment, discrimination, unprofessional conduct, bullying, or retaliatory conduct, and taking appropriate steps to intervene, whether or not the involved employees are under their supervision;
 - 4. Utilizing all reasonable means to prevent a prohibited act from occurring when they known or should know that an employee will or may perform such an activity; and

- 5. Taking immediate action to prevent retaliatory conduct toward the complaining party and to eliminate a hostile work environment where there has been a complaint.
 - B. Supervisors shall take action to notify any supervisor or the Office of Internal Affairs of any prohibited conduct that is brought to their attention.
 - C. Once a supervisor receives information regarding conduct that may violate this policy, they are responsible for taking action, regardless of whether the reporting employee wants action taken on their behalf.
 - D. Supervisors will take action to assist any employee in documenting and filing a complaint of harassment, discrimination, unprofessional conduct or bullying.
- 5.7. Corrective action by a supervisor to address deficient performance, that is objectively reasonable, does not constitute bullying.
- 5.7 A person making a complaint of harassment, discrimination, bullying, or improper conduct will be advised in writing, of the results of the internal investigation into that allegation.
- 5.8 This directive does not preclude a member that is the victim of discrimination from pursuing any other legal remedy. To explore other remedies, members may also contact the following:

Equal Employment Opportunity Commission

1 Congress Street
Boston, MA 02114
617-565-3200

Vermont Attorney General's Office

109 State Street
Montpelier, VT 05609
802-828-3171

Vermont Human Rights Commission

14-16 Baldwin Street
Montpelier, VT 05633
802-828-2480

Vermont Troopers' Association
7 Baldwin Street
Montpelier, VT 05601
802-419-4829

Effective April 5, 2016
Revised August 27, 2020

The Vermont State Police Manual provides only internal Vermont State Police guidance. It is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any civil, criminal, or administrative matter. It is not intended to and does not apply in any criminal or civil proceeding outside of internal Department proceedings. No policy included in this publication should be construed as creating a higher legal standard of safety or care in an evidentiary sense with respect to third party claims.