

3. Any form of retaliation for reporting discrimination, harassment or gender bias will not be tolerated. Threats or acts of retaliation against witnesses reporting, testifying, or supporting a complaint of discrimination, harassment or gender bias are prohibited. Violations will result in disciplinary action as appropriate, which may include termination.
4. This policy shall prevail in all matters of member relations, including but not limited to: opportunities for employment, promotion, transfer, education and training; supervision; performance appraisals; internal investigations; and the processes for discipline, demotion and termination.
5. Victims and/or persons who have knowledge of a discrimination, harassment, or sexual harassment incident/situation are encouraged to initiate the appropriate action to address the situation.

5-7.4 AUTHORITY

1. Discrimination and/or harassment, based on age, ancestry, citizenship, color, creed, marital status, mental or physical disability, national origin, pregnancy, race, religious affiliation, belief or opinion, sex or sexual orientation, or union membership in the work place, is prohibited by one or more of:
 - a. Title VII of the Civil Rights Act of 1964 (42 U.S.C.2000e).
 - b. Code of Federal Regulations Section 1604.11.
 - c. Maryland Human Relations and Discrimination laws, State Government Article, Title 20 Annotated Code of Maryland.
 - d. EEOC Policy Guidance on Sexual Harassment, Number N-915-050 (03-19-90).

5-7.5 DEFINITIONS

1. Discrimination includes those acts prohibited by State and Federal Law. It may include discrimination based on:
 - a. All forms of illegal prejudice.
 - b. Expressions of racial/ethnic/religious insults and epithets.
 - c. Gender based derogatory comments.
 - d. Sexual harassment.
 - e. Retaliation against a complainant for filing a complaint of discrimination.
2. Harass means to disturb or irritate persistently. Harassment may be present in varying degrees and is generally applied or defined by the individual or group affected. The term "harass" is the most commonly applied term in a discriminatory matter; however, other terms, i.e., hound, badger, bother, pester, plague, bait, torment, etc. may easily be substituted. Harassment may include but is not limited to:
 - a. Using words, phrases, or gestures which may be interpreted as derogatory or demeaning.
 - b. Posting/distributing literature, bulletins, cartoons, or other written material which may be interpreted as derogatory or demeaning.
 - c. Mimicking, imitating or miming oral or physical characteristics considered stereotypical of individuals or groups of individuals which may be interpreted as derogatory or demeaning.
 - d. Participating in and/or encouraging any retaliatory acts directed at individuals or groups exercising these rights against such discriminatory acts.
 - e. Condoning any such activities.
 - f. Retaliating against a complainant for complaining of being harassed.

3. Retaliation means that no action shall be taken against a member because he has opposed any lawful employment practice, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under 42 U.S.C., Section 2000e-3(a).
4. Sexual Harassment:
 - a. Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
 - 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
 - 2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - 3) Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
 - b. Sexual harassment is an infringement of a member's right to work in an environment free from unwanted sexual attention and sexual pressure of any kind.
 - c. Sexual demands in the work place, especially between a supervisor and a subordinate, may sometimes threaten a person's economic livelihood and create an atmosphere that is not conducive to maximum productivity.
 - d. Sexual harassment need not necessarily involve a male supervisor and a female subordinate. It may also apply in reverse. Pressure can be directed by a person of either sex against a person of the opposite or same sex or from a co-worker or a supervisor.
 - e. The victim need not be the person harassed but could be anyone affected by the offensive conduct.
 - f. The following is a partial list of the types of activities which could be considered sexual harassment depending on the facts and circumstances:
 - 1) Unwanted or offensive physical touching.
 - 2) "Off Color" jokes.
 - 3) Unwanted, unwelcome and unsolicited propositions.
 - 4) Offensive language.
 - 5) Holding up to ridicule a member of one sex to others.
 - 6) The placement of sexually explicit material in the work areas, desks, etc.
 - 7) Notes and other messages either signed or anonymous placed on bulletin boards, in lockers, in desks, etc.
 - 8) The required wearing of particular types of clothing or the inference that wearing particular types of apparel will enhance one's career.
 - 9) Attempted transfer, demotion, dismissal, etc. after refusing or resisting sexual advances.
 - 10) Requesting or ordering members to perform tasks which are not part of their job specifications, such as:
 - a) Making coffee.
 - b) Obtaining lunch.
 - c) Doing personal shopping for supervisors.
 - 11) Demeaning comments or actions.
 - 12) Unwanted, unwarranted and solicited advances, on or off duty, when such action relates to the member-employer relationship.
 - 13) Non-verbal suggestive or insulting noises, leers, whistles or gestures.

5-7.6 PROHIBITED ACTIONS

1. No member of the Department shall make assignments of personnel, based on their race, color, religion, sex, or national origin, except where such assignment is reasonably necessary for the successful completion of a police operation (e.g., the working of an undercover assignment, an officer of one sex guarding a prisoner of the same sex, etc.).
2. All members shall be evaluated strictly on performance and not for reasons associated with their race, ethnicity, national origin, gender, gender identity, sexual orientation, disability or religion to any degree.
3. Re-assignments and transfers shall be made solely on qualifications, potential to accurately perform in the new position, and the needs of the Department. No assignment or transfer, or rejection of a request for reassignment or transfer, shall be based on race, ethnicity, national origin, gender, gender identity, sexual orientation, disability or religion to any degree.
4. Hiring and promotion shall be based on current policies and written directives and shall be based strictly on merit. No employment or promotion or denial of employment or promotion shall be based on race, ethnicity, national origin, gender, gender identity, sexual orientation, disability or religion to any degree.
5. No member of the Department shall engage in the use of language which is designed to embarrass, intimidate, insult, degrade or harass any member of the Department or member of the general public based on race, ethnicity, national origin, gender, gender identity, sexual orientation, disability or religion to any degree.

5-7.7 RESPONSIBILITIES

1. The Department:
 - a. Is responsible for resolution of complaints of discrimination and harassment arising from its members.
 - b. Neither tolerates nor condones discrimination or harassment in any form or to any degree.
2. Members:
 - a. Shall not discriminate against or harass any person, either explicitly or implicitly.
 - b. Assist in the prevention of harassment and discrimination.
 - c. Refrain from participation in, or encouragement of, discrimination or harassment.
 - d. Report acts of harassment or discrimination, whether involved as a victim or witness.
 - e. Encourage members who confide that they are victims of discrimination and harassment to report such acts.
 - f. Encountering harassment or discrimination shall tell the persons of origin that their actions are unwelcome and offensive.
3. Supervisors and Commanders:
 - a. Monitor the work environment of their subordinates for signs that harassment or discrimination may be occurring.
 - b. Stop observed acts that may be considered harassment or discrimination, and take appropriate steps to intervene, regardless of whether the involved members are within the line of supervision or command.
 - c. Limit the work contact between members (e.g., victim and accused, etc.) when a complaint of harassment or discrimination is pending resolution.
 - d. Are required to file a report, through the chain of command, on any report, complaint or observation of harassment or discrimination against a member of this Department, even if the information was gained in confidence.
 - e. Failure to take the appropriate actions will result in disciplinary action.

5-7.8 REPORTING DISCRIMINATION AND/OR HARASSMENT SITUATIONS

1. Incidents of discrimination, harassment and/or retaliation for filing a complaint will be promptly reported. Attempts will be made to address the circumstances at the lowest possible level with the intent to immediately correct the situation and prevent further occurrences.
2. It is the responsibility of all involved members to immediately report all forms of harassment or discrimination to their supervisor.
4. It shall be the responsibility of every supervisor and commander to address such behavior, if observed or made aware of.
5. Incidents of harassment or discrimination are to be reported immediately, through the chain of command, to the Chief of Police.
6. Supervisors receiving reports of alleged harassment from a member shall ask the member to complete a detailed report detailing the circumstances on a Form 47. The supervisor will forward the Form 47 through the chain of command, to the Chief of Police.
7. For reporting purposes, a member or supervisor may deviate from the normal chain of command, if the offending person is in the chain of command, and file the report directly to the Chief of Police.
8. If the allegation involves the Deputy Chief of Police, the complainant shall complete a Form 47 and forward the complaint, without delay, to the Chief of Police.
9. If the allegation involves the Chief of Police, the complainant shall complete a Form 47 and forward the complaint, without delay, to the Easton Police Board.
10. Members who do not feel that they are victims of harassment, but are uncomfortable with any actions or behavior that could lead to them becoming a victim if the actions or behavior persists, may follow the Department grievance procedures.
11. Nothing in this directive prevents a member from directly contacting the Equal Employment Opportunities Commission to file a complaint, in addition, or in lieu of, contacting the designated personnel of this Department.
12. Any member found to be in violation of this Directive will be subject to disciplinary action.

5-7.9 DEPUTY CHIEF OF POLICE

1. When a complaint of discrimination, harassment, sexual harassment and/or retaliation is made, the Deputy Chief:
 - a. Will review the proper reporting procedure with the aggrieved member and the accused member's supervisor.
 - b. Has an obligation to make an immediate preliminary inquiry (in no case greater than 10 days) when there are reports of discrimination, harassment and/or sexual harassment.
2. Options:
 - a. Informal action:
 - 1) A member subjected to, or having knowledge of, a suspected harassment situation may personally confront the antagonist and make it understood that the behavior(s) or activities are considered to be a form of harassment, are unwanted, and must cease. If resolved satisfactorily, no further action is necessary.
 - 2) If the circumstances are such that direct confrontation with the alleged antagonist would further aggravate the situation, the incident should be reported directly to the aggrieved member's supervisor using a Form 47, Confidential Memorandum.

- 3) In addition to reporting the incident to the aggrieved member's supervisor, the aggrieved member may advise the antagonist's supervisor of the incident.
- b. Formal action:
 - 1) Except in those cases where the circumstances are settled directly between the victim and the alleged aggressor, the Form 47 shall be completed immediately after the incident occurred or is reported.
 - 2) If the behavior complained of constitutes discrimination, harassment, and/or sexual harassment or other serious misconduct, the Deputy Chief will ensure that an investigation is conducted and, if appropriate, disciplinary actions are taken.
- c. Assures that supervisory contact with the accused is made to prevent a potential continuing course of unwanted conduct. During this contact the supervisor will:
 - 1) Advise the accused that if the alleged conduct/behavior is occurring, that it is not appropriate and must cease immediately.
 - 2) Caution the accused against retaliatory acts.
- d. Determines if the complaint will be investigated as an allegation of discrimination or harassment, versus some other form of misconduct, and who will be assigned the investigation. Decisions should be based on the:
 - 1) Totality of the circumstances.
 - 2) Motive of the accused (e.g., acts of discrimination or harassment in retaliation for a member having complained of discrimination or harassment, etc.)
 - 3) Involvement of symbols, words or acts which are known by the victim to represent a bias against the victim.
 - 4) Victims account of the incident and desire for follow-up action.
 - 5) Prior history of incidents.
- e. Oversees the investigation of discrimination, harassment, sexual harassment and/or retaliation complaints.
- f. Maintains a central repository of information on all complaints of discrimination, harassment, sexual harassment and/or retaliation.
- g. Uses the repository to detect patterns and preserve records indicating an accused member's prior involvement in similar cases (except unfounded cases).
- h. Will notify the following persons of the results of all investigations of discrimination, harassment, sexual harassment and/or retaliation regardless of the disposition:
 - 1) Chief of Police.
 - 2) Victim.
 - 3) Accused.
 - 4) Commander of the accused.
 - 5) Commander of the victim.

5-7.10 ASSIGNED INVESTIGATORS

1. Ensure the investigation is given immediate attention.
2. Respond with sensitivity to the feelings and needs of the victim.
3. Keep in personal contact with the victim to alleviate fear and to assure that everything possible is being done to resolve the complaint.
4. Pursue all possible investigative actions, including:
 - a. Establishing or verifying a motive behind the alleged acts of discrimination, harassment, sexual harassment and/or retaliation.
 - b. Obtaining written statements from the victim and witnesses regarding their perception of the incident.
 - c. Visiting the location where the incident occurred to gather physical evidence, including photographs, if necessary.

- d. Contacting the Deputy Chief to determine if there is a history of similar incidents involving the accused.

5-7.11 VICTIM'S COMMANDER

1. Ensures discrimination, harassment, sexual harassment and/or retaliation investigations are actively pursued to their conclusion.
2. Monitors personnel affected by the investigation to prevent continuation of the conduct in question, or retaliation for actions taken to resolve it. This includes close observation of the victim, the accused, witnesses, and other members of the victims unit of assignment.
3. Maintains contact with the Deputy Chief and the Internal Affairs Investigator to determine progress of the case.
4. Contacts the victim intermittently to inform of case progress and, upon completion of the investigation, its disposition.
5. Ensures that involved members suffer no retaliation for their actions. NOTE: If the victim's commander is the accused, the supervisor of the accused shall assume the above responsibilities.