

1.8.4 Sexual and Improper Harassment

I. POLICY

It is the policy of the Johnstown Police Department that all employees have the right to work in an environment free of all forms of harassment. This department will not tolerate, condone, or allow harassment by employees, whether sworn, civilian, volunteer or other non-employees who conduct business with this department. This department considers harassment and discrimination of others forms of serious employee misconduct. Therefore, the agency shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and discrimination. A violation of the department policy can lead to discipline up to and including termination, with repeated violations, even if “minor”, resulting in greater levels of discipline as appropriate.

II. PURPOSE

This policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating, and resolving complaints of harassment and discrimination. Per Title VII of the Civil Rights Act of 1964 provides for the protection of classes of persons based on race, color, sex, religion, age, disability and national origin. Not protected by federal law, but also protected by this policy are persons based on their sexual orientation.

III. PROCEDURES

A. Prohibited Activity

1. No employee shall either explicitly, implicitly ridicule, mock, deride, or belittle any person.
2. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly.

3. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment.
 - b. Submission to or rejections of such conduct by an employee is used as the basis for employment decisions affecting the employee.
 - c. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.
4. Individuals covered under the policy include department members defined as employees and applicants for employment with the department, whether sworn, regular, reserve or civilian and all volunteers.

B. Employee Responsibilities

1. Each supervisor shall be responsible for preventing acts of harassment. This responsibility includes, but is not limited to the following:
 - a. Monitoring the work environment on a daily basis for signs that harassment may be occurring.
 - b. Counseling all employees on the types of behavior prohibited and the department's policy for reporting and resolving complaints of harassment.
 - c. Stopping any observed acts that may be considered harassment and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision.
 - d. Taking immediate action to prevent retaliation towards the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment, pending investigation. If a situation requires separation of the parties, care should be taken to avoid

actions that appear to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible and if non-voluntary, should be temporary pending the outcome of the investigation.

2. Each supervisor has the responsibility to assist any employee of this department who comes to that supervisor with a complaint of harassment in documenting and filing a complaint with their supervisor.
3. Each employee of this department is responsible for assisting in the prevention of harassment through the following acts:
 - a. Refraining from participation in, or encouragement of, actions that could be perceived as harassment.
 - b. Reporting acts of harassment to a supervisor.
 - b. Encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.
4. Failure of any employee to carry out the above responsibilities will be considered in any performance evaluation or promotional decision and may be grounds for discipline.

C. Complaint Procedures

1. Any employee encountering harassment is encouraged to inform that person that his or her actions are unwelcome and offensive. The employee is encouraged to document all incidents of harassment in order to provide the fullest basis for investigation.
2. An employee who believes he or she has been harassed or discriminated against shall contact his/her immediate supervisor. If the employee is making an allegation against that immediate supervisor, he/she should contact the next higher level in the Johnstown Police Department's chain of command. The employee shall submit a report through the chain of command to the Chief of Police, detailing the circumstances of the alleged harassment. In the event that the allegation is against the Chief of Police, the report should be made directly to the City Manager.

3. Employees shall report all allegations of harassment immediately. Such reports will initiate a confidential internal investigation. The Chief of Police shall name the investigator. In the case the allegations are against the Chief of Police, the City Manager shall name the investigator.
4. If the situation warrants, the Chief of Police shall report the allegations to the City Manager without delay.
5. The Cambria County District Attorney's Office shall be notified if there is evidence of a criminal activity; i.e.: assault, rape, etc.
6. The investigator shall include a determination as to whether other employees are being harassed by the accused and whether other department members participated in or encouraged the harassment.
7. The completed investigative report shall be turned over to the Chief of Police for review and action. In the case the allegation is against the Chief of Police, the completed investigative report shall be turned over to the City Manager.
8. The Chief of Police or his/her designee shall inform the parties involved of the outcome of the investigation.
9. A file of harassment and/or discrimination complaints shall be maintained in a secure location.
10. The complaining party's confidentiality will be maintained through the investigators process to the extent practical and appropriate under the circumstances.
11. Complainants or employees accused of harassment may file a grievance/appeal in accordance with agency procedures when they disagree with the investigation or disposition of a harassment claim.
12. This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.
13. Employees found to have engaged in sexual harassment or discrimination may be counseled and warned, suspended without pay, demoted, or dismissed from employment,

depending upon the specific facts and circumstances surrounding the incident.

D. Retaliation

1. Retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint, is illegal and is prohibited by this department and by federal statutes.
2. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints.
3. Monitoring to ensure that retaliation does not occur is the responsibility of the Chief of Police, supervisors and the appropriate investigative authority.

Effective:

Date: October 21, 2017

By Order Of:

A handwritten signature in black ink that reads "Robert F. Johnson". The signature is written in a cursive style with a large initial "R" and "J".

Robert F. Johnson
Chief of Police