POLICY & PROCEDURE

STURGEON BAY POLICE DEPARTMENT

SUBJECT: **HARASSMENT IN THE WORKPLACE**

NUMBER: 1.06

ISSUED: 02/23/2023

EFFECTIVE: 02/23/2023

☐ RESCINDS

☐ AMENDS

SCOPE: All Department Personnel

DISTRIBUTION: Policy & Procedure Manual

REFERENCE: WI State Statutes: 111.33-39, 175.22, 942.09

WILEAG 6TH EDITION STANDARDS: 1.2.4, 1.2.5

INDEX AS: Employee Harassment
Harassment
Harassment Reporting Procedures
Locker Room Policy
Sexual Harassment
Supervisory Responsibility/Harassment

PURPOSE: The purpose of this Policy & Procedure 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. All members of the Sturgeon Bay Police Department must be aware that they may not engage in any acts that threaten, intimidate, harass, demean, or torment fellow employees irrespective of whether the employee is a member of a protected class.

It is a violation of this Policy & Procedure, even if the act is not as severe or pervasive as to alter the condition of the victim's employment and/or create an abusive work environment. However, the complained of activity must be objectively unreasonable. A single act may suffice. To determine if the activity is unreasonable, the totality of the circumstances surrounding the incident must be assessed.

This Policy & Procedure consists of the following numbered sections:

I. POLICY

II. DEFINITIONS

III. REPORTING PROCEDURE

IV. LOCKER ROOM POLICY

V. SUPERVISORY RESPONSIBILITY

VI. EMPLOYEE RESPONSIBILITIES

VII. NON-RETALIATION

VIII. DISCIPLINARY ACTION

IX. STATE OF WISCONSIN AGENCY

X. TRAINING

I. POLICY

A. It is the policy of the Sturgeon Bay Police Department to create and maintain a pleasant working environment among all employees, free of the various forms of harassment enumerated in Section II of this Policy & Procedure and based upon mutual respect among employees.

II. DEFINITIONS

A. DISCRIMINATION: A failure to treat all persons equally where no reasonable distinction can be found between those favored and those not favored.

B. HARASSMENT: Any unwanted, deliberate or repeated unsolicited comments, conduct, gestures, graphic materials, physical contacts or solicitation of favors based upon:

1. Race
2. Color
3. Creed
4. Ancestry
5. National Origin
6. Age (40 and up)
7. Disability
8. Sex

9. Arrest or Conviction Record

10. Marital Status

11. Sexual Orientation

12. Military Service

    a) It involves a pattern of abusive and degrading conduct directed against a protected class member that is sufficient to interfere with their work or create an offensive and hostile work environment.

C. HARASSMENT ON ANY BASIS: including sexual harassment, is a violation of this Order as well as state and federal statutes if it is based on the criteria listed in the harassment definitions of this Policy & Procedure, and:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or,

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 substantially interfering with an individual's work performance or creates an intimidating, hostile or offensive work environment.

D. NON-VERBAL: Sexually suggestive or offensive objects or pictures, inappropriate usage of voicemail, e-mail, the internet or other such sources as a means to express or obtain sexual material, comments etc., printed or written materials including offensive cartoons, suggestive or offensive sounds, whistling, catcalls or obscene gestures. Any material, which inappropriately raises the issues of sex or discrimination. Treating an employee differently than other employees when they have refused an offer of sexual relations.

E. OTHER FORMS OF HARASSMENT: Persistent and unwelcome conduct or actions on the basis of disability, sex, arrests or conviction record, marital status, sexual orientation, military service, or use or nonuse of lawful products away from work is prohibited under this policy and Wis. Stats. 111.31-111.39.

F. PHYSICAL: Unsolicited or unwelcome physical contact of a sexual nature, which may include touching, hugging, massages, kissing, pinching, patting, or regularly brushing against the body of another person.

G. SEXUAL HARASSMENT: Unwelcome sexual advances, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. "Unwelcome verbal or physical conduct of a sexual nature" includes, but is not limited to, the deliberate, repeated making of unsolicited gestures or

comments, or the deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes.

H. VERBAL HARASSMENT: Sexual innuendoes, degrading or suggestive comments, repeated pressure for dates, jokes of a sexual nature, unwanted sexual flirtations, degrading words used to describe an individual, obscene and/or graphic description of an individual's body or threats that job, wages, assignments, promotions or working conditions could be affected if the individual does not agree to a suggested sexual relationship.

III. REPORTING PROCEDURE

A. Follow the City Policy as written in The Personnel Handbook.

IV. LOCKER ROOM POLICY

A. In compliance with Wisconsin State Statute 175.22 - Privacy in Locker Rooms the following guidelines have been established.

1. Interviews of any nature (audio or video) WILL NOT be permitted in a Department locker room.

2. Excluding department tours, the media or any other interview source WILL NOT be permitted in a department locker room. Department tours will only be permitted, if the locker room is not being utilized.

3. Recording devices ARE NOT permitted to be utilized by department personnel under any circumstances in a department locker room, unless approved by the Chief of Police and/or his designee.

4. No person may use a cell phone to capture, record, or transfer a representation of a nude or partially nude person in the locker room and doing so could constitute a violation of Wisconsin State Statute 942.09.

5. The locker room, as described in this standard, is to include the attached shower facilities and restroom facilities.

6. If a locker room is unisex and shared, Department personnel are responsible for closing the locker room door to ensure their own personal privacy, when desired. If the locker room door is closed no person may enter the locker room without first knocking and announcing their intent to enter, and receiving permission to enter from the occupant.

7. Department personnel shall only secure the locker room door for their personal privacy for a reasonable period of time and the locker room door shall otherwise remain open.

B. Special circumstances, as determined by the Chief of Police and/or his designee, will allow the use recording devices in Department locker rooms. Special circumstance authorizations will only be permitted, if the locker room is not being utilized. These include, but are not limited to:

1. Establishing a Record of Damaged City Property

2. Repair of City Facilities

3. Law Enforcement Tours – Police Station Design

C. These guidelines have been established to maintain the privacy of all Department employees, who utilize Department locker rooms.

V. SUPERVISORY RESPONSIBILITY

A. It shall be the responsibility of all supervisors to ensure that employees under their control feel free to report the forms of harassment set forth in this Order. Supervisors shall accept initial complaints from employees who believe they are being harassed, complete a written report and forward all reports to the Chief of Police.

Supervisors will forward all complaints brought to their attention, even when such complaints appear trivial or frivolous. Supervisors shall not discourage employees from making complaints, nor shall such complaints when brought to a supervisor's attention be handled informally outside the reporting procedure set forth in this Order.

B. All complaints received will be assigned for investigative purposes as outlined in the Department's internal affairs policy, refer to Policy & Procedure 4.03: Citizen Complaints/Internal Affairs.

VI. EMPLOYEE RESPONSIBILITIES

A. Each employee of this agency is responsible for assisting in the prevention of harassment and/or discrimination by:

1. Refraining from participation in or encouragement of action that could be perceived as harassment and/or discrimination;

2. Reporting observed acts of harassment and/or discrimination to a supervisor; and,

3. Encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.

B. Failure of an employee to carry out his or her responsibilities as defined in this Policy & Procedure will be considered in any performance evaluation or promotional decision and may be grounds for discipline.

VII. NON-RETALIATION

A. Retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, participating in the investigation of such a complaint, is illegal and is prohibited by this agency and by federal statutes.

B. 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.

C. Monitoring to ensure that retaliation does not occur is the responsibility of the chief executive officer, supervisors and appropriate internal investigative authority.

VIII. DISCIPLINARY ACTION

A. The Department views harassment and retaliation to be among the most serious breaches of work place behavior. Consequently, appropriate disciplinary or corrective action, ranging from a warning to termination, can be expected, refer to Policy & Procedure 4.02: Disciplinary Procedures.

IX. STATE OF WISCONSIN AGENCY

A. Any employee dissatisfied with the outcome of an investigation conducted pursuant to this Order, or any employee desiring further information on the Wisconsin Harassment Laws may contact:

STATE OF WISCONSIN
DEPARTMENT OF WORKFORCE DEVELOPMENT
EQUAL RIGHTS DIVISION CIVIL
RIGHTS BUREAU

201 E WASHINGTON AVE
ROOM A100
PO BOX 8928
MADISON WI 53708

Telephone Number: (608) 266-6860
TTY Number: (608) 264-8752

Or

819 N 6th ST

ROOM 723
MILWAUKEE WI 53203

Telephone Number: (414) 227-4384
TTY Number: (414) 227-4081

Or dwd.wisconsin.gov/er

X. TRAINING

A. The Sturgeon Bay Police Department shall provide periodic and refresher training concerning the nature of harassment and/or discrimination in the workplace, and prohibitions on such actions defined in this Policy & Procedure.

Clinton Henry
Chief of Police

This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

Initial 06/30/2020