



POLICY & PROCEDURE

HOLMEN POLICE DEPARTMENT

SUBJECT:	HARASSMENT IN THE WORKPLACE	NUMBER:	6.10
		ISSUED:	03-01-12
SCOPE:	All Department Personnel	REVIEW:	01-23-17
DISTRIBUTION:	Policy & Procedure Manual		
REFERENCE:	WI §111.33-39	WILEAG 4 TH EDITION STANDARDS:	1.2.4

INDEX AS: 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 employees 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. PROHIBITED ACTIVITIES
- IV. SUPERVISORY RESPONSIBILITY
- V. EMPLOYEE RESPONSIBILITIES
- VI. COMPLAINT PROCEDURES
- VII. NON-RETALIATION
- IX. TRAINING

I. POLICY

- A. It is the policy of the Holmen Police Department that all employees have the right to work in an environment free of all forms of harassment and discrimination by other employees, whether sworn civilian or volunteer, or other non-employees who conduct business with this agency. The Department considers harassment and discrimination of others serious employee misconduct.
- B. Individuals covered under this policy include Department members defined as employees and applicants for employment with the Department, whether sworn, regular, reserve, or civilian, and all volunteers.

II. DEFINITIONS

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

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

- Race, Color, Creed, Ancestry, National Origin, Age (40 and up), Disability, Sex, Arrest or Conviction Record, Marital Status, Sexual Orientation, Membership in military reserve

Harassment 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.

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

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 descriptions 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.

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.

SEXUAL HARASSMENT: Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, when submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

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

HARASSMENT ON ANY BASIS: (race, sex, age, disability etc.) exists whenever: Submission to harassing conduct is made, either explicit or implicit, a term or condition of an individual's employment; submission to or rejection of such conduct is used as the basis for an employment decision affecting an individual; the conduct interferes with an employee's work or creates an intimidating, hostile, or offensive work environment. Such conduct is prohibited under this policy and §111.31-111.39 Wis. Stats.

III. PROHIBITED ACTIVITIES

- A. Prohibited activity under this Policy includes but is not limited to the following:
1. No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any person.
 2. Employees shall not make, tell, send, or display offensive or derogatory comments, jokes, pictures, or correspondence to any person, either directly or indirectly.
 3. No employee shall engage in activity such as slander, sabotage, ostracism, badgering, withholding resources, disruptive treatment and/or conduct that intimidates or is hostile, whether this conduct is of a sexual nature or not. Nor shall any employee allow non-employees who conduct business with this Department to engage in such activity. All prohibited acts of these types will be judged on the basis of conduct that is "objectively reasonable."
 4. Sexual harassment as defined in the definitions above.

IV. SUPERVISORY RESPONSIBILITY

- A. Although all employees shall be responsible for preventing harassment and/or discrimination, supervisors shall be responsible for:
1. Advising employees on the types of behavior prohibited and the Department procedures for reporting and resolving complaints of harassment and/or discrimination;

2. Monitoring the work environment on a daily basis for signs that harassment and/or discrimination may be occurring;
3. Stopping any observed acts that may be considered harassment and/or discrimination, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and
4. A supervisor shall utilize all reasonable means to prevent a prohibited act from occurring when he or she knows or should know that an employee will or may perform such an activity.
5. No supervisor shall make any employment decision that affects the terms, conditions, or privileges of an individual's employment based on the basis of the person's race, sex, religion, national origin, color, sexual orientation, age, or disability.
6. 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 and/or discrimination. If a situation requires separation of the parties, care should be taken to avoid action that punishes or appears to punish the complainant.

V. EMPLOYEE RESPONSIBILITIES

- A. Each employee of this Department 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.

VI. COMPLAINT PROCEDURES

- A. Any employee encountering harassment and/or discrimination is encouraged to inform the person that his or her actions are unwelcome and offensive. The employee is encouraged to document all incidents of harassment and/or discrimination in order to provide the fullest basis for investigation. The employee should be advised that he or she must report such acts.
- B. Any employee who believes that he or she is being harassed or discriminated against shall report the incident(s) as soon as possible to the police chief, so that steps may be taken to protect the employee from further harassment and/or discrimination and so that appropriate investigative and disciplinary measures may be initiated.

1. Where the police chief is involved in the harassment and/or discrimination, the employee may waive filing a complaint with the police chief and may proceed to the Village Administrator or the Village President.
 2. The police chief or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of; the person(s) performing or participating in the harassment and/or discrimination; any witnesses to the incident(s) and the date(s) of occurrence(s).
 3. The person taking the complaint shall promptly submit a confidential memorandum documenting the complaint to the Village Administrator.
- C. The police chief shall be responsible for follow-up investigation of any complaint alleging harassment and/or discrimination. (For incidents involving the police chief, these steps will be the responsibility of the Village Administrator)
1. The police chief shall immediately determine if the complaint contains evidence of criminal activity, such as battery, sexual assault, or attempted sexual assault.
 2. The police chief shall include a determination as to whether other employees are being harassed or discriminated against by the person and whether other department members participated in or encouraged the harassment or discrimination.
 3. The police chief shall inform the employees involved of the outcome of the investigation.
 4. A file of harassment and/or discrimination complaints shall be maintained in a secure location.
- D. This standard does not preclude any complainant/victim from filing a complaint with an appropriate outside agency.
1. 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 A300
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

VII. NON-RETALIATION

- A. Retaliation against any employee for filing a harassment or discrimination complaint is prohibited by this Department. Retaliation against a representative of the employee filing a complaint or an employee who is assisting, testifying, or participating in the investigation of such a complaint is prohibited by this Department.
- 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/or discrimination complaints.
- C. Monitoring to ensure that retaliation does not occur is the responsibility of the police chief.

VIII. TRAINING

- A. The Holmen 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.

Shane Collins
Police Chief

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

Initial 01-23-17