

## RENO POLICE DEPARTMENT GENERAL ORDER

This directive is for internal use only and does not enlarge this department's, governmental entity's and/or any of this department's employees' civil or criminal liability in any way. It is not to be construed as the creation of a particular standard of safety or care in an evidentiary sense, with respect to any complaint, demand for settlement, or any other form of grievance or litigation. Violations of this directive, if substantiated, can only form the basis for intra-departmental administrative sanctions.

Chief of Police: Michael Poehlman /s/		
Legal Advisor: Karen Fraley /s/		
Approving Deputy Chief:		
General Order No: E-270-04	Issued: November 20, 2007	Supersedes: 4/774.000
General Order Title DISCRIMINATION OR HARASSMENT		

### **POLICY**

It is the policy of the Reno Police Department to provide equal employment opportunities to all applicants for employment, and an environment for its employees free of harassment and discrimination in accordance with the laws of the United States and the State of Nevada. Said laws provide for equal treatment of all employees and citizens regardless of race, color, religion, age, national origin, ethnic group, gender, sexual orientation, disability, political affiliation, citizenship, membership in an employee association, or any other protected-class status applicable under federal, state, or local law, rule, regulation, Executive Order, or the City Charter. This policy does not preclude any employee or citizen from filing a complaint or grievance with an appropriate outside agency.

All employees have the right to work in an environment free of all forms of harassment and discrimination by employees, whether sworn civilian or volunteer, or other non-employees who conduct business with this agency. The Reno Police Department considers harassment and discrimination of others serious employee misconduct.

### **DEFINITIONS**

#### **Harassment:**

Any form of conduct that is objectively unreasonable or offensive and that could result in a hostile or intimidating working environment.

#### **Discrimination:**

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

## **Sexual Harassment**

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature. A more detailed definition of sexual harassment may include any or all of the following elements:

1. Submission to sexual conduct, as outlined above, is made, either explicitly or implicitly, a term or condition of an individual's employment, continued employment, and/or as a basis for employment decisions affecting that individual.
2. Sexual conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment.
3. Sexual harassment is not, by definition, limited to prohibited conduct by a particular sex. Men and women may be victims of sexual harassment. Men and women may be the accused.
4. Sexual harassment does not have to be from the opposite sex; same sex harassment is prohibited.
5. A third party may be a victim of sexual harassment, if said harassment is directed at another, but interferes and creates a hostile or offensive working environment for the third party. Such interference must be objectively reasonable.

## **HARASSMENT BEHAVIORS**

Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, ethnicity, national origin, religion, age, disability, citizenship or any other status protected by law and that:

1. Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Has the purpose or effect of otherwise adversely affecting an individual's employment opportunities.

## **SEXUAL HARASSMENT BEHAVIORS**

For purposes of clarification, sexual harassment, or other forms of unlawful harassment, include, but are not limited to, the following behaviors:

1. *Quid Pro Quo*: This is a Latin expression meaning "something for something," or "this for

that,” or “You do this for me, I’ll do that for you.”

2. Verbal harassment includes epithets, derogatory comments, propositioning, slurs, explicit or implied threats or promises made in return for submission to physical sexual acts, or other offensive words or comments directed to an individual or a group, and regardless of whether the behavior was intended to harass. Verbal harassment also includes, but is not limited to, inappropriate comments on appearance, the use of code words, and verbalizing stories, sexual rumors, etc.
3. Physical harassment includes, but is not limited to, assault, impeding or blocking movement, leering, or physical interference with another’s work, privacy, or movement. Physical harassment includes, but is not limited to, such behaviors as pinching, patting, or grabbing at another individual.
4. Visual harassment includes derogatory, prejudicial, stereotypical, or otherwise offensive posters, photographs, cartoons, notes, bulletins, drawings, screen savers, pictures, or articles of clothing that refers to any protected status or characteristic. This applies to any materials, posted or not, in evidence on City of Reno property or equipment, or personal property in the workplace.

## **RESPONSIBILITIES AND PROCEDURES**

### **Employee Responsibilities Regarding Discrimination/Sexual Harassment**

1. Each employee of this agency is responsible for assisting in the prevention of harassment and discrimination and is encouraged to report any observed acts of harassment or discrimination to a supervisor. Any non-employee who conducts business with the Reno Police Department who engages in any of the above prohibited activities should immediately be brought to the attention of a supervisor so appropriate action can be taken by the Department.
2. Any employee who feels that he or she may have been a victim of discrimination or harassment is encouraged to put the offending person on notice that his or her activities are unwelcome, undesired, and/or offensive. The employee should also document any offensive incidents to provide a basis for investigation. Anonymous complaints concerning discrimination and/or sexual harassment will receive the same attention and investigation as any other complaints.
3. If an employee is not comfortable confronting the offending person for any reason, he/she should report the incident(s) to his/her supervisor as soon as possible. If this is not practicable, the employee may instead lodge a complaint with another supervisor, with the Internal Affairs Unit, or with the City of Reno’s Diversity and Training Manager. Anonymous complaints may also be filed in this manner.
4. Although written complaints are encouraged, complaints may be given verbally and will be considered even though not in writing. The City has a Complaint of Discrimination and Harassment Form which may be filled out to document a complaint and aid in investigation

of said complaint. Completion of this form is not mandatory, however, to initiate a complaint investigation.

### **Supervisory Responsibilities Regarding Discrimination/Sexual Harassment**

1. Department heads, supervisors and managers, as part of his or her management responsibilities, must monitor the conduct of employees to ensure that day-to-day interactions are consistent with the City's Equal Employment Opportunity and Non-Discrimination Policy and the Unlawful Harassment Policy.
2. Whether a complaint is made orally or in writing, the supervisor who initially receives the complaint must inform the employee that, in accordance with City policy, an investigation will take place, that the investigation will be prompt and fair, conducted in a sensitive and discreet manner, and culminate in appropriate action, based on the results of the investigation.
3. If a supervisor receives a complaint, orally or in writing, alleging discrimination or sexual harassment, or if a supervisor observes conduct which they believe constitutes discrimination or harassment, the supervisor must forward notice of such complaint to the City's Diversity and Training Manager. If, after review by the City Attorney's office, it appears that this complaint is properly a subject of these policies, the Diversity and Training Manager shall set up a meeting with the employee who filed the complaint to review it and the circumstances leading up to it.
4. Complaints reported by an employee directly to the City's Diversity and Training Manager will be forwarded by the Diversity and Training Manager to the Internal Affairs Unit, if, after review by the City Attorney's office, it appears that this complaint is properly a subject of these policies.
5. After meeting with the employee who has filed a complaint, the Diversity and Training Manager shall contact the person(s) accused in the complaint. The purpose of this contact is to notify the accused person of the complaint. When the accused person is a peace officer, notification and investigation will be in accordance with NRS 289 and, when appropriate, in coordination with the Department's Internal Affairs Division.

### **Procedures for Internal Affairs Investigation of Discrimination/ Harassment Complaints:**

The Internal Affairs Unit will be responsible for the investigation of any complaint alleging harassment or discrimination of or by an employee of the Reno Police Department, whether sworn or unsworn, as well as any citizen complaint alleging discrimination or harassment by an employee of the Reno Police Department.

1. The Internal Affairs Unit will immediately notify the Chief of Police/designee if the complaint contains evidence of criminal activity such as battery, sexual assault, or attempted sexual assault.
2. The assigned investigator will include a determination as to whether other employees or citizens are being harassed or discriminated against by the accused person, and whether

other agency employees may have participated in or encouraged the harassment or discrimination.

3. The Internal Affairs Unit will inform the parties involved of the outcome of the investigation.
4. A file containing harassment and discrimination complaints will be maintained in a secure location. The Chief of Police will be provided with an annual summary of these complaints.
5. Complainants or employees accused of harassment or discrimination may file a grievance/appeal in accordance with agency procedures when they disagree with the investigation outcome or disposition of a harassment or discrimination claim.
6. Confidentiality will be maintained throughout the investigatory process to the extent consistent with conducting an investigation and determining appropriate corrective action.
7. False and malicious complaints of discrimination or harassment, as opposed to complaints which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action, up to and including termination. False complaints will be sent to Internal Affairs and also to the EOC Coordinator.
8. Retaliation against an individual reporting discrimination or harassment, or against an individual who participates in an investigation of a claim of discrimination or harassment, is a serious violation of this policy, and will be subject to disciplinary action, up to and including termination. Acts of retaliation should be reported immediately to the Diversity and Training Manager and will be investigated in the same manner as discrimination and harassment complaints. Appropriate correction action may be taken for such retaliation, up to and including termination.