



Wichita Police Department Policy Manual

Approved by:

Policy 207 – Equal Employment Opportunity

Page 1 of 3

Maintained by: WPD EEO
Officer

Issue/Rev.: R 06-18-2012

PURPOSE

- 207.01 The purpose of 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. All members 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. Such action is a violation of this policy even if the act was not so severe or pervasive as to alter the condition of the complainant'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.

POLICY

- 207.02 It is the policy of the Wichita Police Department that all members have the right to work in an environment free of all forms of harassment and discrimination by members, whether sworn, civilian or volunteer, or other non-employees who conduct business with the Department. The Department considers harassment and discrimination of others serious employee misconduct.

DEFINITIONS

- 207.03 *Harassment:* Any slur, joke, demeaning or derogatory language or behavior, whether written or spoken, against a person because of their race, sex, color, religion, national origin, ancestry, disability, genetic information, familial relationship, age, marital status, or veteran status can be considered discriminatory harassment, intimidation or insult. Although sexual orientation is not a protected class, harassment based upon sexual orientation is also prohibited.

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

- 207.04 Individuals covered under this policy include all Department members.

PROHIBITED ACTIVITIES

- 207.05 Prohibited activity under this policy includes but is not limited to the following.

R

- A. No member shall either explicitly or implicitly ridicule, mock, deride or belittle any person.
- B. Members shall not make offensive or derogatory comments to any person, either directly or indirectly.
- C. No member 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 member allow non-employees who conduct business with the Department to engage in such activity. All prohibited acts of these types will be judged on the basis of conduct that is "objectively reasonable."
- D. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, computer based, or physical conduct of a sexual nature when:
 1. submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
 2. submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
 3. such conduct is objectively unreasonable even though it may not interfere with a member's work performance or create an intimidating, hostile or offensive working environment to any member.
- E. No member may perform an objectively unreasonable act upon any member based upon that person's race, sex, color, religion, national origin, ancestry, disability, genetic information, familial relationship, age, marital status or veteran status.

SUPERVISORS RESPONSIBILITIES

- 207.06 A. Although all members shall be responsible for preventing harassment and/or discrimination, supervisors shall be responsible for:

R

1. advising members on the types of behavior prohibited and the Department procedures for reporting and resolving complaints of harassment and discrimination;
2. monitoring the work environment on a daily basis for signs that harassment and discrimination may be occurring;

3. stopping any observed acts that may be considered harassment and discrimination, and taking appropriate steps to intervene, whether or not the involved members 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 have known that a member 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 that person's race, sex, color, religion, national origin, ancestry, disability, genetic information, familial relationship, age, marital status, or veteran status.
 6. taking immediate action to prevent retaliation towards the complaining party or witnesses 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. Transfer or reassignment of a complaining party or witness should be voluntary and should be temporary pending the outcome of the investigation. Transfer of alleged offender can be involuntary.
- B. Any proscribed conduct covered by this policy that comes to the attention of a supervisor shall result in an investigation.
- C. Each supervisor has the responsibility to assist any member of the department who comes to that supervisor with a complaint of harassment and discrimination in documenting and filing a complaint.
- D. The failure of a supervisor to take corrective action when there is a known violation of this policy is itself a policy violation.

EMPLOYEES RESPONSIBILITIES

- 207.07 A. Each member of the department is responsible for assisting in the prevention of harassment and discrimination by:
1. refraining from participation in or encouragement of action that could be perceived as harassment or discrimination;
 2. reporting observed acts of harassment and discrimination to a supervisor; and
 3. encouraging any member who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.
- B. Failure of any member to carry out their responsibilities as defined in this policy will be considered in any performance evaluation and may be grounds for discipline.

COMPLAINT PROCEDURES

- 207.08 Any member encountering harassment and/or discrimination is encouraged to inform the person that his or her actions are unwelcome and offensive. The member is encouraged to document all incidents of harassment and discrimination in order to provide the fullest basis for investigation.
- 207.09 Any member who believes that he or she is being harassed or discriminated against shall report the incident(s) as soon as possible so that steps may be taken to protect the employee from further harassment and discrimination and so that appropriate investigative and disciplinary measures may be initiated.
- 207.10 The Department Equal Employment Opportunity (EEO) Officer shall be the Deputy Chief of the Support Services Division. Each bureau commander shall serve as an Assistant EEO Officer for his or her bureau. It shall be their responsibility to act as a resource for Department members' EEO questions, and to monitor compliance with all provisions of this policy. Violations may be reported to any Department supervisor, who shall immediately report such to the bureau commander of the employee reporting the violation, or the Departmental EEO officer.
- 207.11 Members may file accusations of EEO violations as a grievance, a Departmental EEO complaint, or as a complaint with the City's Senior Human Resources Specialist/Workplace Diversity.
- A. If the grievance method is chosen, members who are represented by a bargaining unit shall follow the grievance procedure outlined in the Memorandum of Agreement in effect for that unit. Members who are not represented by a bargaining unit shall follow the procedure in Section 19 of the City of Wichita Human Resources Manual.
 - B. If an employee wishes to file a Department EEO complaint, he or she may report the complaint to any Departmental supervisor, either verbally or in writing, or may take it directly to his or her bureau commander, or to the Department EEO Officer.
 - C. To make a complaint to the City Senior Human Resources Specialist/Workplace Diversity, a WPD member should either make an appointment to deliver the complaint to the Senior Human Resources Specialist/Workplace Diversity or complete the City's EEO Complaint Form, which can be located on the WPD's Intranet site and see

that it is delivered to the Senior Human Resources Specialist/Workplace Diversity, who is located in the City's Human Resources Department on the second floor of City Hall.

- 207.12 If the member chooses to file a Departmental EEO complaint, the following process shall be observed:
- A. As soon as possible after the alleged violation has occurred, the member shall notify a supervisor, or the commander of the bureau to which he or she is assigned, of the details of the event, either verbally or in writing. If the complaint is reported to a supervisor, that supervisor shall ensure that the complainant places the complaint in an Officer's Report (if the complainant is willing) or shall create such a report him or herself (if the complainant is not willing) which shall then be forwarded to the commander of the bureau to which the complainant is assigned. The commander shall then, in turn, notify the Chief of Police. The Chief shall assign the investigation of the complaint to Professional Standards or the Department EEO Officer.
 - B. Within thirty working days following receipt of the allegation, the investigating supervisor shall notify the complaining member of the status of the investigation.
 - C. If the complaining member is dissatisfied with the decision of the investigating supervisor, he/she may appeal the ruling to the City of Wichita Human Resources Director, through the City Senior Human Resources Specialist/Workplace Diversity, unless the allegation has already been probed by the City Manager.
- 207.13 The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.
- 207.14 This policy does not preclude any member from filing a complaint or grievance with an appropriate outside agency.
- 207.15 Further information related to any issues concerning this policy may be obtained at the Web site of the U. S. Equal Employment Opportunity Commission (EEOC), www.eeoc.gov, and at the Kansas Human Rights Commission.

RETALIATION

- 207.16 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 prohibited by this Department.
- 207.17 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.