


**LANCASTER POLICE DEPARTMENT
GENERAL ORDERS MANUAL**

<i>Effective Date</i> August 19, 2015		<i>Amended Date</i>		<i>Directive</i> 2.05.1	
<i>Subject</i> Sexual and Other Unlawful Harassment					
<i>Reference</i>			<i>Approved</i>  Chief of Police		
<i>Distribution</i> All Personnel City Manager City Attorney		<i>TPCA Best Practices Recognition Program Reference</i> 2.11		<i>Review Date</i> October 11, 2017	
				<i>Pages</i> 4	

This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

The purpose of this policy is to state the department's commitment to prevent all employees from engaging in ethnic, racial, sexual and religious harassment.

SECTION 2 POLICY

The Lancaster Police Department and the City of Lancaster strictly prohibit ethnic, racial, sexual, and religious harassment in any form including, but not limited to, verbal, visual, physical or written. All employees are offered the right to work in an environment free from any such harassment.

In addition, the Lancaster Police Department and the City of Lancaster shall enforce any and all rules necessary to protect its employees from harassment or acts which could result in work place violence. This provision shall include measures for not only protecting city employees from the violent acts of other city employees, but from any person who may have access to city buildings, property, etc.

SECTION 3 DEFINITIONS

- A. **Sexual Harassment:** The threat or insinuation to an employee, either explicitly or implicitly, that his/her refusal to submit to sexual advances will adversely affect his/her employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development; or subjecting an employee to unwelcome sexual overtures or conduct, either verbal or physical, so as to create an intimidating, hostile, or offensive working environment. This could include displays, pictures, publication, conduct, or comments of a sexual nature.
- B. **Work Place Violence:** Any act(s) which represents a hazard to employees through the potential of its causing serious physical harm and or death to an employee(s).

SECTION 4 PROCEDURES

- A. GENERAL PROCEDURES

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1. The City of Lancaster shall enforce all necessary guidelines and regulations in an effort to render its work place free of any recognizable hazard which has caused or is likely to cause death or serious physical harm to an employee or any other person who may enter the premises.
2. Employees shall not participate in any form of harassment against a fellow employee or citizen.
3. Employees who feel they are being harassed or discriminated against because of race, creed, sex, or national origin may directly contact the Chief of Police to discuss the matter and, if necessary, file a complaint. An employee may report to and/or contact the Director of Human Resources directly, without regard to the employee's normal chain of command. All discussions shall be confidential. All complaints shall be investigated as quickly and thoroughly as possible. The investigation of such complaints will be carried out according to Section S-5 "Sexual & other Unlawful Harassment," City of Lancaster PRIDE Policies and Procedures.
4. Any and all allegations of harassment of any kind, as well as the potential for violence in the work place, shall be thoroughly investigated by management. All information gathered will be held in the strictest of confidence and will result in disciplinary action up to and including termination, when appropriate.
5. The City of Lancaster prohibits any retaliatory action(s) against anyone who has complained, in good faith, about harassment or the threat of violence in the work place. These guidelines shall be followed in all cases, except where inconsistencies occur for Civil Service employees with regard to Chapter 143, Texas Government Code.

B. PROCEDURE FOR REVIEW OF HARASSMENT/ VIOLENCE COMPLAINTS

1. It shall be the responsibility of the Chief of Police or designee to coordinate and direct the investigation and review of harassment complaints or complaints of violence or the threat thereof. The following procedures shall apply to the receipt, review, and handling of such complaints and are to be applied under the guidance and consultation of the Director of Human Resource. Any employee who believes that he or she has been the subject of harassment or the victim of threats or acts of violence is encouraged to report it immediately in accordance with the procedures outlined herein. All information disclosed will be held in the strictest of confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the situation.
2. If an employee believes he or she have been subjected to sexual harassment or any other form of harassment, the employee is encouraged to tell the person that they find it offensive and want it to stop. If the speech or conduct is repeated, or if it is so severe that it requires immediate action, the employee should explain the problem to a supervisor or the Chief of Police immediately. If the employee prefers he or she may report the incident to the Director of Human Resources. The chain of command is not required to be followed when reporting an incident or filing a complaint in regards to this directive.
3. The employee complaint will be investigated immediately and thoroughly, and the appropriate supervisor will ensure that corrective action is taken. It is essential that the employee present the complaint promptly, within twenty-four (24) hours of the occurrence if possible. Prompt reporting enables those in city leadership to honor their commitment to take prompt and appropriate corrective action.

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4. A supervisor who receives a complaint, or who otherwise becomes aware of possible sexual harassment or any other form of harassment must immediately advise their Division Commander, who will notify the Chief of Police. The Chief of Police will advise the City Manager promptly of all claims of sexual harassment or other forms of harassment, and will keep the City Manager apprised of the results of the investigation and the corrective action taken. An employee making a good-faith complaint of sexual harassment or any other form of harassment will be protected against retaliation of any kind.
5. Within three (3) work days after receiving the complaint in writing, the respondent (the accused) will be contacted by the Chief of Police or designee and apprised of the allegations made against him/her.
6. The respondent will have the opportunity to refute the allegation(s) by responding in writing. The respondent will also have the opportunity to respond to any other new information/allegations that may arise during the course of the investigation.
7. The Chief of Police will ensure that a full investigation is conducted into the allegation(s) made. This will include interviews with the complainant, the respondent, and all witnesses (when necessary). Signed statements will be requested.
8. Within five (5) work days of the conclusion of the investigation, the assigned investigator will provide all documentation with a summary of conclusion regarding the validity of the complainant's allegation(s).
9. The decision regarding any possible disciplinary action will be made by the Chief of Police after receiving the findings from the investigation. This decision will be made after the Chief of Police has conferred with the City Attorney and the Director of Human Resources.
10. A complainant may withdraw a complaint at any time. However, the city may still pursue an investigation and determine whether disciplinary action is warranted.
11. If the validity or falsification of the offense cannot be satisfactorily established, the Chief of Police, along with the appropriate supervisory personnel, shall decide on action which is in the best interest of the city, minimizes interference of departmental operations, and/or allows for the respondent and complainant to continue their work routines with minimal personal consequence/contact.
12. Findings which validate the allegation(s) made may result in counseling, written reprimand, transfer, suspension, and/or termination.
13. Following issuance of the findings following an investigation, the appeal procedure, as outlined in Section D-2 "Disciplinary Appeal Procedure," City of Lancaster PRIDE Policies and Procedures shall be in effect for civilian employees.

C. TRAINING

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1. All personnel will receive training designed to prevent any occurrences of sexual or other unlawful harassment. All training will be properly documented in the department's training records.

D. SCOPE OF RESPONSIBILITY

1. All members of the department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.