

# Medina Police Department

Subject: <b>Harassment</b>	Policy Number: <b>1090</b>	<b>Harassment 1090</b>
Reference: <b>City of Medina Personnel Policy 3.10 Respectful Workplace</b>	Pages: <b>3</b>	
Personnel: <b>Sworn and Non-Sworn Personnel</b>		
Issue Date: <b>01-01-2004</b>	Revised Date: <b>11-16-2020</b>	

## **1090.1 – PURPOSE/INTRODUCTION**

The Medina Police Department's policy defines and prohibits inappropriate conduct in the workplace and directs victims where to seek assistance.

## **1090.2 – POLICY**

A. It is the policy of the Medina Police Department to maintain a respectful work and public service environment free from discrimination, harassment, violence, and other offensive, degrading or inappropriate remarks or conduct. The City will not tolerate such behavior by or toward any employee or official. This policy will apply to all officials and employees of the Medina Police Department.

### **B. Inappropriate Conduct**

Discriminatory, harassing and/or offensive behavior includes inappropriate remarks about or conduct related to an employee's race, color, creed, religion, national origin, disability, gender, marital status, age, sexual orientation, or status with regard to public assistance.

Violent behavior includes the use of physical force, harassment or intimidation, or abuse of power or authority. Violent behavior also includes verbal abuse.

The City will not tolerate such inappropriate conduct and will take appropriate disciplinary action against any individuals who participate in or knowingly fail to report such conduct.

### **C. Sexual Harassment**

Sexual harassment is a form of gender discrimination and can be directed at both men and women. Individuals can be harassed by co-workers, supervisors, subordinates or persons who are not City employees. In all cases, sexual harassment is illegal and unacceptable behavior that will be subject to appropriate disciplinary action.

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as a factor in decisions affecting that individual's employment;
3. such conduct or communication has the purpose or effect of unreasonably interfering with an individual's employment or creates an intimidating; hostile or offensive working environment; or

4. such conduct or communication occurred because of the sex of the recipient of the conduct or communication even though it is not clearly sexual in nature or an explicit sexual advance.

D. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

E. Behavior that could be considered sexual harassment includes, but is not limited to:

1. Verbal harassment, such as sexually-oriented comments, innuendoes, or derogatory remarks;
2. physical harassment, such as unwelcome touching, patting, pinching, cornering, hugging, kissing, or other movement or physical contact that an individual finds offensive;
3. visual forms of harassment, such as suggestive cartoons or drawings, calendars, posters or jokes displayed in the workplace;
4. sexual favors, such as subtle or explicit demands or pressure for sexual favors or sexual activity; or
5. nonsexual conduct that is demanding, degrading or harassing and is directed towards someone based on the individual's gender.

### **1090.3 – REPORTING PROCEDURE**

Any person who feels he or she is being subjected to, or has knowledge of, discriminatory, harassing, violent or offensive behavior is required to immediately report the behavior to his or her supervisor, Chief of Police or City Administrator. The harassment must be reported even if the alleged perpetrator is not a City employee. Any supervisor or Chief of Police who receives a complaint about such behavior or who has reason to believe that such behavior is occurring, must immediately report it to the City Administrator. Failure by a supervisor to report a complaint could result in disciplinary action against the supervisor.

The Chief of Police, or designee, will respond promptly and appropriately to all complaints of sexual harassment or other inappropriate conduct. If the Chief of Police determines that an investigation is warranted, such investigation will be handled in compliance with applicable state statutes, union contracts and City policy. The Chief of Police will notify the complainant of the result of any investigation and will take appropriate disciplinary action, up to and including immediate termination. Any individual who knowingly gives false information during an investigation of a complaint may also be subject to disciplinary action up to and including termination.

Any person who believes the Chief of Police is perceived to be the cause of a disrespectful workplace behavior incident or an incident of sexual harassment must immediately report the behavior to the City Administrator, City Attorney or Mayor, who will confer with the appropriate elected officials regarding the investigation and action.

### **1090.4 - NO RETALIATION**

The City will not retaliate, nor will it tolerate any retaliation, against any person because he or she makes a complaint of sexual harassment or other inappropriate conduct, or participates in an investigation regarding such conduct. Any individual who retaliates against a person who makes a complaint, or assists or participates in an investigation could be subject to disciplinary action up to and including termination.