

NIAGARA FALLS POLICE DEPARTMENT GENERAL ORDER

EFFECTIVE DATE: 08/29/2013	SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE	Number 117.00 (NYSPLAEP A-14-7)
RESCINDS: 04/15/2003		Number of pages 3

I. Purpose:

- A. The Niagara Falls Police Department is dedicated to the commitment that each of its members be allowed a work atmosphere free from sexual harassment or discrimination based on race, sex, color, religion, national origin, handicapped or sexual orientation. The policies of the Niagara Falls Police Department voluntarily comply with Equal Employment Opportunity Commission (EEOC) interpretation regarding sexual and other harassments as set forth in Title VII of the Civil Rights Act of 1964. Any employee who shall engage in harassment on the basis of race, sex, religion, color, age, handicapped, national origin or sexual orientation; who permits employees under his/her supervision to engage in such harassment; or who retaliates or permits retaliation against an employee who reports such harassment is guilty of misconduct and shall be subject to disciplinary procedures.
- B. In some instances, the accomplishment of various law enforcement goals will necessitate assignments of personnel based on the member's age, sex, religion, race and/or national origin. (As an example, a female officer may be required to search a female prisoner.) Nothing in this section will prohibit assignments being made based on a member's age, sex, religion, race, and/or national origin when it is done for the purpose of attaining organizational goals and objectives and is in accordance with EEOC Title VII, bonafide occupational qualification restrictions.

II. Sexual Harassment:

- A. Harassment on the basis of sex is a violation of Section 703 of Title VII, unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature which shall include but not be limited to deliberate or repeated unsolicited gestures, graphic materials, verbal or written comments, constitute sexual harassment. Sexual harassment can also occur in a variety of circumstances including, but not limited to the following:
 - 1. The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.

2. The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a coworker, or a non-employee.
3. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
4. Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
5. The harasser's conduct must be unwelcome.

III. Policy:

It is the policy of the Niagara Falls Police Department to provide a business-like work environment free from all forms of employee discrimination or sexual harassment. No employee shall be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. Sexual harassment will be treated as misconduct with appropriate disciplinary sanctions.

No member of the NFPD shall retaliate against an individual who makes a report of such objectionable conduct nor shall they permit any other member of the NFPD to do so.

IV. Reporting Procedure, Investigations, and Confidentiality:

- A. An employee who believes he or she has been sexually harassed or discriminated against shall take the following procedure to report the alleged incident.
 1. Ask the offending party(s) to cease and desist. Employees should keep a written record of any alleged sexual harassment incident. Including the date, time, location, name(s) of people involved, witnesses (if any), and any statements of actions by the harasser.
 2. If an alleged incident of sexual harassment cannot be resolved directly between the parties involved, contact your immediate supervisor.
 3. If the situation persists after initial supervisory contact, the offended party may contact the next level of supervision.
 4. If the immediate supervisor is implicated in the alleged harassment, the offended party may contact the next level of supervision to investigate.
- B. Supervisory Personnel:
 1. Supervisory Personnel shall:

- a. Be responsible for reporting instances of sexual harassment or discrimination in writing to the Superintendent of Police via the chain of command.
 - b. Be responsible for initiating immediate disciplinary action if the situation warrants same.
 - c. Take immediate action to limit the effected from any further work contact.
- C. Sexual harassment complaints will be investigated as promptly as possible and resolved within thirty days (30) of the receipt of the complaint.
- D. All information gathered during an investigation of a sexual harassment complaint will be handled in a confidential manner.