

Hamden Police Department General Orders

Policy Number: 004-001

Effective Date: March 1, 2016

Section: General Management

Rescinds: August 1, 2005

Title: Sexual Harassment

Approved By: Hamden Police Commission

Approval Date: February 10, 2016

PURPOSE

The purpose of this directive is to set forth the policies and procedures of the Hamden Police Department regarding the prohibition of sexual harassment, and procedures to follow when making and investigating an allegation of sexual harassment.

POLICY

It is the policy of the Hamden Police Department to promote a safe, comfortable, and appropriate work environment for all employees. The Department expressly prohibits any form of sexual harassment among its employees.

Violations of this policy shall result in disciplinary actions up to and including termination from employment and, if warranted, prosecution under state or federal law.

It is the policy of the Hamden Police Department to enable employees to make complaints of sexual harassment without any fear of reprisal, and confidentiality will be maintained to the maximum extent possible. It is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of a complaint of sexual harassment.

GENERAL GUIDELINES AND CONSIDERATIONS

Sexual harassment is unlawful under the Connecticut Discriminatory Employment Practices (Section 46a-60(a) (8) of the Connecticut General Statutes) and Title VII of the Civil Rights Act of 1964 (42 United States Code Section 2000e et. seq.). Sexual harassment is defined by the Town of Hamden as

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any unwelcome sexual advances, requests for sexual favors or other unwelcome verbal or physical conduct of a sexual nature.

There are two common types of Sexual Harassment. They are “Quid pro quo” and “Hostile work environment.”

- A. *Quid pro quo harassment* occurs when the harassment is used by the offending individual as the basis for employment decisions, which may have a negative impact upon the person subject to the harassment. Some examples of this would include the following:
1. Demanding sexual favors accompanied by direct or overt threats concerning the subject's job security, performance evaluation, promotion, salary increases, increased benefits, assignments, or continued employment.
 2. Engaging in reprisals (not granting promotions, assigning undesirable tasks, making negative statements about the victim's personal or work conduct, etc.), as a result of an individual's refusal to engage in social/sexual behavior.
- B. *Hostile Work Environment* occurs when unwelcome sexual conduct has the purpose or effect of unreasonably interfering with the employee's work performance or of creating an intimidating, hostile, or offensive working environment. Behaviors that can contribute to a hostile workplace include, but are not limited to the following:
1. Contact with any sexual part of a coworker's body (e.g., touching, patting or pinching).
 2. Touching any non-sexual part of the body (e.g., shoulder, etc.) after that person has verbally or otherwise indicated that such touching is unwelcome.
 3. Verbal harassment or abuse; e.g., referring to or calling a person an endearing, demeaning or sexualized term, or making reference to a person's physical characteristic (e.g., pregnancy) when that person has verbally or in writing indicated to the harasser or the department he/she does not wish to be addressed or referred to in that manner.
 4. Making sexually-oriented comments, jokes, innuendoes, and other offensive statements.
 5. Displaying sexually suggestive pictures, objects, cartoons, posters,

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or pornographic materials (note that this includes locker rooms).

6. Refusing to take action or to enforce disciplinary measures against a person who has been sexually harassing another staff member or otherwise condoning such behavior.
 7. Continuing to ask a person to socialize after work hours when that person has verbally indicated no interest in such activities.
 8. Subtle pressure for sexual activities, e.g., continuing to write suggestive notes or letters after being informed they are unwelcome.
 9. Situations where one employee may create a hostile or intimidating work environment for another employee.
 10. Leering (i.e., prolonged staring) at a person's body, commenting on any traditionally sexual part of a person's body, whistling or cat calls.
 11. Language of a sexual nature in another's presence, or conduct of a sexual nature, even if not directed to the individual, once it is known that he/she objects. This would include such things, but not limited to; sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life, comments about an individual's body, and comments about an individual's sexual activity, deficiencies, or prowess.
 12. Inquiries into a coworker's sexual experiences, or discussion of one's own sexual activities, after it is known that the individual does not welcome such inquiries or discussions.
- C. Sexual harassment is not, by definition, limited to prohibited conduct by a male employee toward a female employee, or by a supervisor towards one of lower rank.
1. A man or a woman may be the victim of sexual harassment, and a woman or a man may be the harasser.
 2. The harasser does not have to be the victim's supervisor. He/she may also be an agent of the supervisor, a supervisory employee who does not supervise the victim, a non-supervisory employee (co-worker), or, in some circumstances, a non-employee.
 3. Sexual harassment may occur between individuals of the same

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gender and same sexual orientation.

4. The victim does not have to be the person to whom the unwelcome sexual conduct is directed. He/she may also be someone who is affected by such conduct when it is directed toward another person. For example, the sexual harassment of one female (or male) employee may create an intimidating, hostile, or offensive working environment for another female (or male) co-worker or unreasonably interfere with the co-worker's work performance.
5. Sexual harassment does not depend on the victim having suffered an actual economic injury as a result of the harasser's conduct. For example, improper sexual advances that do not result in the loss of a promotion by the victim or the discharge of the victim may, nonetheless, constitute sexual harassment where such conduct does unreasonably interfere with the victim's work or create a harmful or offensive work environment. The belief that such interference occurred must be objectively reasonable.
6. The objectionable activity does not have to take place during working hours.

PROCEDURES FOR MAKING AND INVESTIGATING COMPLAINTS

- A. Any reference in any General Order, Special Order, Interoffice Memo or Training Bulletin to, he or she, shall in no way be construed as favoring gender. These terms are used for ease on sentence construction only and refer to Hamden Police personnel, in general, regardless of whether they are male or female.
- B. All persons having supervisory responsibilities over other employees have an affirmative responsibility to create an atmosphere free of sexual harassment. Supervisors are also responsible for taking corrective action consistent with policy and procedures as soon as they become aware of objectionable activity.
- C. Employees are encouraged (but not required) to inform perceived offenders that the commentary/conduct is offensive and unwelcome.
- D. Making Complaints

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1. An employee who believes he or she has been sexually harassed shall contact either their immediate supervisor or their Division Commander.
 - a. The Department shall protect employees from any form of retaliation.
 - b. The Hamden Police Department will not tolerate any retaliation or reprisal by any manager, supervisor or employee against any complaining employee or corroborating witness.
2. The person who receives the complaint will forward it to the Chief of Police
3. The Chief's office will be responsible for initiating immediate disciplinary action if the situation warrants it.
4. Any employee is free to bring his or her complaint directly to the State's Attorney or the U.S. Attorney.
5. Any employee may skip any of the above steps at which a genuine conflict of interest may be created by discussing the complaint with the individual responsible at that step, e.g. the employee believes they have been subject to sexual harassment by the supervisor
6. Supervisors must report allegations of sexual harassment (whether reported by the person who is the subject of the sexual harassment or witnessed) to the Personnel Department. Supervisors who do not report allegations of sexual harassment are in violation of this policy.
7. Employees who experience sexual harassment at work (by another employee, vendor or visitor) are urged to report such conduct to the direct attention of their supervisor. If the complaint involves the employee's supervisor or someone in the direct line of supervision,

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or if the employee for any reason is uncomfortable in dealing with his or her immediate supervisor, the employee may go directly to the Personnel Department to make a report to the Human Resources Officer.

8. Complaints shall be investigated professionally and expeditiously as possible by the Town's Human Resources Officer. Where an investigation confirms the allegations, appropriate responsive action shall be taken by the Town of Hamden.
9. An employee or supervisor may be accountable for sexual harassment violations under applicable local, state, and/or federal law as well.

TRAINING FOR PREVENTION

A. Prevention of Sexual Harassment

1. Supervisors shall formally notify all current employees, as well as any new employees hired, of the existence of this policy and provide them with a copy of the policy itself.
2. All Department personnel shall be trained on the Town Sexual Harassment Policy as part of their initial training and at least one every three years thereafter.
3. The Sexual Harassment Laws will be posted on bulletin boards around the departments