BILL NO.: **4496** **ORDINANCE NO.:** _____

Introduced by: Council Present

AN ORDINANCE FOR THE BERKELEY POLICE DEPARTMENT GENERAL ORDER #29 "SEXUAL HARASSMENT" POLICY

WHEREAS, The City of Berkeley hereby finds and declares this ordinance is necessary, appropriate, and in the best interest of the City of Berkeley, Missouri, in accordance to the CALEA standards.

Now, Therefore, Be it Ordained by the City Council of the City of Berkeley, Missouri, as follows:

Section 1 The City of Berkeley, Missouri, Council hereby adopts the attached Sexual Harassment Policy in compliance with CALEA standards.

Section 2 This Ordinance shall be in full force and effect from and after its passage.

1st Reading this _____ day of _____ 2016

2nd Reading this _____ day of _____ 2016

3rd Reading, PASSED and APPROVED, this _____ **day of** _____ **2016**

_____
Theodore Hoskins, Mayor

ATTEST:

_____
Deanna L. Jones, City Clerk

_____
Approved As To Form:
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___	Nay __	Absent __	Abstain __
Councilwoman Hoskins	Aye ___	Nay __	Absent __	Abstain __
Councilwoman Kirkland	Aye ___	Nay __	Absent __	Abstain __
Councilwoman Mathison	Aye ___	Nay __	Absent __	Abstain __
Councilman-at-Large McDaniel	Aye ___	Nay __	Absent __	Abstain __
Councilwoman Mitchell	Aye ___	Nay __	Absent __	Abstain __
Councilwoman Williams	Aye ___	Nay __	Absent __	Abstain __

	BERKELEY POLICE DEPARTMENT GENERAL ORDER	GENERAL ORDERS: 29

SEXUAL HARASSMENT

ISSUE DATE: 10/6/2016	EFFECTIVE DATE: 11/7/16	DISTRIBUTION: ALL PERSONNEL
AMENDED:		RESCINDS: ALL PREVIOUS VERSIONS
ACCREDITATION STANDARDS: CALEA 26.1.3		NUMBER OF PAGES: 3

PURPOSE: The purpose of this directive is to maintain a working environment free from all forms of harassment and to provide procedures for the reporting, investigation and resolution of such complaints. [CALEA 26.1.3]

POLICY: It is the policy of the Berkeley Police Department that all members have the right to work in an environment free from all forms of harassment. The Department does not condone and will not tolerate the harassment of a member. Therefore, the Department will take direct and immediate action to prevent such behavior and to remedy all reported instances of harassment.

DEFINITIONS:
HARASSMENT - SEXUAL: In general, sexual harassment can take two forms. First, sexual harassment exists when a member is requested or required to engage in or submit to a sexual act as a term or condition of a job benefit or assignment. Second, sexual harassment may arise when comments, conduct, or actions of a sexual nature by the employer, supervisors, or co-workers create an offensive or hostile working environment for a member.

The Equal Employment Opportunity Commission (EEOC) has published rules regarding sexual harassment. The EEOC rules define "sexual harassment" as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

"Sexual harassment" may include but is not limited to:

- Unwanted sexual advances;
- Requests for sexual activity;
- Threats or insinuations that lack of sexual coercion will adversely affect a member's employment, wages, promotion, or duty assignment;
- Derogatory comments or jokes about members of the opposite sex;
- Physical contact, such as patting, pinching, grabbing, or by brushing against another's person's body;

- Placing obscene photographs, cartoons, graphics, or suggestive objects in the workplace;
- Obscene gestures.

HARASSMENT - GENERAL: Unreasonable conduct by one member which interferes with another member's status or performance by creating an intimidating, hostile, or offensive working environment. Harassment usually involves a course of conduct; however, a single act may constitute harassment if it is sufficiently serious. "Harassment" includes, but is not limited to, ridiculing, mocking or belittling another member. Harassment does not include an assessment of a member's skills, abilities, or performance by a training officer, supervisor or member of the chain-of-command.

PROCEDURES:

PROHIBITED ACTIONS [CALEA 26.1.3]

A. No member shall sexually harass another member.

B. No member shall harass another member.

C. No member shall make an offensive or derogatory comment regarding race, color, sex, age, religion, national origin, handicap or marital status, either directly or indirectly, to another member.

SUPERVISOR'S RESPONSIBILITIES

A. Each supervisor has the responsibility of assisting any member who comes to that supervisor with a complaint of harassment by documenting the complaint and filing it with the designated personnel responsible for human resources relations.

B. Each supervisor is responsible for preventing acts of harassment. This responsibility includes monitoring the working environment on a daily basis for signs of harassment; counseling all members on the types of behavior which are prohibited and the procedures for reporting complaints of harassment; stopping harassment when it is observed, whether or not the involved members are within his/her supervision; and reporting any observed acts of harassment directly to the designated personnel responsible for human resources relations.

C. Where there has been a complaint of harassment, supervisors are to take immediate action to limit contact between the affected member and the alleged harasser, pending an investigation.

MEMBER'S RESPONSIBILITIES

A. Each member is responsible for assisting in the prevention of harassment by refraining from participating in, or encouraging, harassment; immediately reporting acts of harassment to the supervisor; and encouraging any member who confides that he/she is being harassed to report such acts to the supervisor.

B. If a member suspects that they are being harassed, they are encouraged but not mandated to inform the harassing party to stop the harassment, and to keep a record of all harassment, including dates, times, and the nature of incidents.

C. Members who suspect or feel they are being harassed should not ignore the problem because this may encourage the harasser, members may place the blame on themselves, be embarrassed to talk about it, or resign from their position.

REPORTING INCIDENTS OF HARASSMENT [CALEA 26.1.3]

A. Members who feel they are being harassed should report the incident to their supervisor immediately, so that steps can be taken to protect the member from further harassment, and appropriate investigative and disciplinary procedures can be initiated.

B. The supervisor is responsible for notifying the Chief of Police so that an investigation of the complaint can begin. The Chief of Police will notify the designated personnel responsible for human resources relations of all allegations of harassment.

C. The designated personnel responsible for human resources relations is responsible for the investigation of any complaint of harassment. The designated personnel responsible for human resources relations will immediately notify the Chief of Police, the Criminal Investigations Section, and the State Attorney's Office if the complaint contains evidence of criminal activity, such as rape, attempted rape, or battery.

D. Complaints of harassment are to be maintained in a secure location by the designated personnel responsible for human resources relations.

RETALIATION AGAINST A MEMBER FILING A COMPLAINT
There shall be no retaliation of any kind against a member for filing a harassment complaint or for assisting, testifying, or participating in the investigation of a harassment complaint.

COMPLAINT TO OUTSIDE AGENCY
This policy does not preclude a member from filing a complaint or grievance with an appropriate outside agency.

DRAFTED BY: Eye-Liza Conner	DATE: 10/3/16
BY ORDER OF: **ART JACKSON** **INTERIM CHIEF OF POLICE**	DATE: 10/3/16
APPROVED BY: Public Safety Committee	DATE: 10/6/16
APPROVED BY: Berkeley City Council	DATE: