



1-5 HARASSMENT/SEXUAL HARASSMENT IN THE WORKPLACE

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 3-41 Complaints Involving Department Personnel
- 3-46 Discipline System

B. Form(s)

None

C. Other Resource(s)

City Administrative Instruction (AI) Number 7-18 Harassment/Sexual Harassment Policy
City of Albuquerque Personnel Rules and Regulations Section 903 Grievance Resolution

D. Rescinded Special Order(s)

None

1-5-1 Purpose

The purpose of this policy is to provide the foundation and guidelines for identifying harassment in the workplace and information on how harassment complaints will be identified and investigated.

1-5-2 Policy

It is the policy of the Albuquerque Police Department (Department) to provide a work environment free from all forms of harassment. Harassment is a prohibited form of discrimination under federal, state, and City laws and is misconduct subject to disciplinary action by the Department. This policy applies to all forms of harassment, including sexual harassment and supplements, but does not replace, City of Albuquerque Administrative Instruction (AI) Number 7-18.

N/A 1-5-3 Definitions

A. Harassment

Any verbal or physical conduct, including displaying or forwarding any visual material, that denigrates or shows hostility or aversion toward an individual because of their race, color, religion, gender, sex, national origin, ancestry, age, disability, medical condition, sexual orientation, gender identity, or hair types, textures, and styles



commonly associated with race, gender, or religion, or veteran status; and that has the purpose or effect of creating an intimidating, hostile or offensive work environment; and has the purpose or effect of unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities or ability to obtain public services.

B. Sexual Harassment

Any unwelcome sexual advances, requests for sexually motivated physical contact, or other verbal expressions, physical conduct, or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of employment or obtaining public services;
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or obtaining public services; or
3. That conduct or communication has the purpose or effect of unreasonably interfering with an individual's employment, obtaining public services, or creating an intimidating, hostile, or offensive environment in which to work or obtain public service.

Criteria for the existence of sexual harassment:

- a. Frequency of the conduct;
- b. The severity of the conduct; and
- c. Whether the conduct unreasonably interferes with work performance.

Examples of harassment/sexual harassment are outlined in City AI Number 7-18, which are not to be construed as an all-inclusive list of prohibited acts under this policy or City AI Number 7-18.

6 1-5-4 Rules and Responsibilities

A. All Department personnel shall be responsible for maintaining a work environment free of any form of harassment.

N/A B. Consistent with SOP Complaints Involving Department Personnel and SOP Discipline System, the Department shall hold Department personnel fully accountable for complying with this Standard Operating Procedure (SOP) and shall take appropriate measures to ensure that such conduct does not occur. Any Department personnel found to have engaged in prohibited harassment shall be subject to disciplinary action up to and including termination (refer to SOP Complaints Involving Department Personnel and SOP Discipline System for sanction classifications and additional duties).



4

C. Prohibited Activity

1. Harassment of any kind by Department personnel shall not be tolerated.
 - a. Department personnel shall not either explicitly or implicitly ridicule, mock, or belittle any person because of their race, color, religion, gender, sex, national origin, ancestry, age, disability, medical condition, sexual orientation, gender identity, or veteran status.
 - b. Department personnel shall not make offensive or derogatory comments based on race, color, religion, gender, sex, national origin, ancestry, age, disability, medical condition, sexual orientation, gender identity, or veteran status, either directly or indirectly to another person.
 - c. Department personnel shall not sexually harass any person.
2. Unwelcome verbal or physical conduct that does not rise to the level of sexual harassment may violate other City policies and, therefore, is prohibited.

N/A

D. Reporting Harassment

1. Department personnel who believe they are a victim of harassment or sexual harassment are highly encouraged to tell the person responsible for the behavior that their actions are offensive and unwelcome. Department personnel should report the matter promptly to their immediate supervisor, any supervisor, the Department Human Resource (HR) Administrator, or the City of Albuquerque Human Resources Department within one-hundred-and-eighty (180) days of the perceived harassment or sexual harassment.
2. Department personnel may also pursue action through the court system or any regulatory agency that is responsible for the enforcement of anti-discrimination laws, such as the City of Albuquerque Office of Civil Rights, the New Mexico Human Rights Commission, or the Equal Employment Opportunity Commission.
3. Any Department supervisor who observes or has knowledge of harassment shall immediately bring the matter to the attention of the Department Chief of Staff and Department HR Administrator or City Human Resources Department. Failure to do so may result in disciplinary action, up to and including termination.
4. Retaliation is prohibited against any employee for filing a harassment complaint or assisting, testifying, or participating in the investigation of such complaint.
5. Department personnel accused of harassment may file a grievance/appeal, consistent with City Personnel Rules and Regulations on grievance procedures when they disagree with the investigation or disposition of a harassment claim.

3

1

E. Department HR Administrator



1. The Department HR Administrator shall:

- a. Review all complaints and arrange for an investigation;
- b. Inform the parties involved with the result of the investigation;
- c. Inform the Internal Affairs Professional Standards (IAPS) Division as soon as possible, if a Standard Operating Procedure (SOP) violation exists;
- d. Immediately notify the Chief of Police and the District Attorney's Office if the complaint contains evidence of criminal activity;
- e. Include or request a determination about whether other Department personnel are being harassed by the person and whether other Department personnel participated in, or encouraged the harassment;
- f. Maintain a file of harassment complaints in a secured area; and
- g. Provide the Chief of Police and Department Chief of Staff with an annual summary of these complaints.

7

F. Department Supervisors

1. All Department supervisors shall be responsible for preventing acts of harassment. These responsibilities include, but are not limited to:

- a. Monitoring their employee's work environment for evidence that harassment may be occurring;
 - b. Counseling all personnel on the types of behavior prohibited and the Department procedures for reporting and resolving complaints of harassment;
 - c. Stopping any observed acts that may be considered harassment and taking appropriate steps to intervene whether or not the involved personnel are within their line of supervision; and
 - d. Taking immediate and appropriate action to limit the work contact between two (2) Department employees when there has been a complaint of harassment.
- 5
- e. Assisting any employee who has a complaint of harassment in documenting and filing a complaint with the Department HR Administrator;
 - i. The supervisor to whom a complaint is given, shall meet with the employee and document the incidents, the person(s) doing or participating in the harassment, and the dates in which it occurred.
 - ii. The supervisor taking the complaint shall immediately deliver the complaint to the Department HR Administrator.
 - iii. Failure to take action to stop known harassment shall be grounds for discipline up to and including termination.
 - iv. Failure to notify the Department HR Administrator or Department Chief of Staff of a complaint of harassment shall be grounds for discipline.
 - v. Ensure that new personnel are properly trained and receive a copy of this policy.
 - f. Cooperate in the investigation of the complaint; and
 - g. Be familiar with City AI Number 7-18 in its entirety.

G. Department Personnel



1. Department personnel shall be responsible for assisting in the prevention of harassment through the following acts:
 - a. Refraining from participation in, or encouragement of, actions that are or could be perceived as harassment;
 - b. Reporting acts of harassment to a supervisor;
 - c. Assisting any employee who confides that they are being harassed by encouraging them to report it to a supervisor; and
 - d. Cooperating with any investigation in response to any allegation of harassment.
 - i. Refusal to cooperate in an investigation may result in disciplinary action, up to and including termination.

2

3

H. Confidentiality

The complaint filed, including the name of the complainant, and the names of all Department personnel who provided statements, shall be kept confidential to the extent possible consistent with the Department's obligation to investigate allegations of harassment promptly and thoroughly.



1-5 HARASSMENT/SEXUAL HARASSMENT IN THE WORKPLACE

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- 3-41 Complaints Involving Department Personnel
- 3-46 Discipline System

B. Form(s)

None

C. Other Resource(s)

- City Administrative Instruction (AI) Number 7-18 Harassment/Sexual Harassment Policy
- City of Albuquerque Personnel Rules and Regulations Section 903 Grievance Resolution

D. Rescinded Special Order(s)

None

1-5-1 Purpose

The purpose of this policy is to provide the foundation and guidelines for identifying harassment in the workplace and information on how harassment complaints will be identified and investigated.

1-5-2 Policy

It is the policy of the Albuquerque Police Department (Department) to provide a work environment free from all forms of harassment. Harassment is a prohibited form of discrimination under federal, state, and City laws; and is misconduct subject to disciplinary action by the Department. This policy applies to all forms of harassment, including sexual harassment, and supplements, but does not replace, City of Albuquerque Administrative Instruction (AI) Number 7-18.

N/A

1-5-3 Definitions

A. Harassment

Any verbal or physical conduct, including displaying or forwarding any visual material, that denigrates or shows hostility or aversion toward an individual because of their race, color, religion, gender, sex, national origin, ancestry, age, disability, medical condition, sexual orientation, gender identity, or hair types, textures, and styles



commonly associated with race, gender, or religion, or veteran status; and that has the purpose or effect of creating an intimidating, hostile or offensive work environment; and has the purpose or effect of unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities or ability to obtain public services.

B. Sexual Harassment

Any unwelcome sexual advances, requests for sexually motivated physical contact, or other verbal expressions, physical conduct, or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of employment or obtaining public services;
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or obtaining public services; or
3. That conduct or communication has the purpose or effect of unreasonably interfering with an individual's employment, obtaining public services, or creating an intimidating, hostile, or offensive environment in which to work or obtain public service.

4. Criteria for the existence of sexual harassment:

- a. Frequency of the conduct;
- b. The severity of the conduct; and
- c. Whether the conduct unreasonably interferes with work performance.

e.

d.

Examples of harassment/sexual harassment are outlined in City AI Number 7-18, which are not to be construed as an all-inclusive list of prohibited acts under this policy or City AI Number 7-18.

6 1-5-4 **Rules and Responsibilities**

A. All Department personnel shall be responsible for maintaining a work environment free of any form of harassment.

N/A

B. Consistent with SOP Complaints Involving Department Personnel and SOP Discipline System, the Department shall hold Department personnel fully accountable for complying with this Standard Operating Procedure (SOP) and shall take appropriate measures to ensure that such conduct does not occur. Any Department personnel found to have engaged in prohibited harassment shall be subject to disciplinary action up to and including termination (refer to SOP Complaints Involving Department Personnel and SOP Discipline System for sanction classifications and additional duties).



4

C. Prohibited Activity

1. Harassment of any kind by Department personnel shall not be tolerated.
 - a. Department personnel shall not either explicitly or implicitly ridicule, mock, or belittle any person because of their race, color, religion, gender, sex, national origin, ancestry, age, disability, medical condition, sexual orientation, gender identity, or veteran status.
 - b. Department personnel shall not make offensive or derogatory comments based on race, color, religion, gender, sex, national origin, ancestry, age, disability, medical condition, sexual orientation, gender identity, or veteran status, either directly or indirectly to another person.
 - c. Department personnel shall not sexually harass any person.
2. Unwelcome verbal or physical conduct that does not rise to the level of sexual harassment may violate other City policies and, therefore, is prohibited.

N/A

D. Reporting Harassment

1. Department personnel who believe they are a victim of harassment or sexual harassment are highly encouraged to tell the person responsible for the behavior that their actions are offensive and unwelcome. Department personnel should report the matter promptly to their immediate supervisor, any supervisor, the Department Human Resource (HR) Administrator, or the City of Albuquerque Human Resources Department within one-hundred-and-eighty (180) days of the perceived harassment or sexual harassment.
2. Department personnel may also pursue action through the court system, or any regulatory agency that is responsible for the enforcement of anti-discrimination laws, such as the City of Albuquerque Office of Civil Rights, the New Mexico Human Rights Commission, or the Equal Employment Opportunity Commission.
3. Any Department supervisor who observes or has knowledge of harassment shall immediately bring the matter to the attention of the Department Chief of Staff and Department HR Administrator, or City Human Resources Department. Failure to do so may result in disciplinary action, up to and including termination.
4. Retaliation is prohibited against any employee for filing a harassment complaint or assisting, testifying, or participating in the investigation of such complaint.
5. Department personnel accused of harassment may file a grievance/appeal, consistent with City Personnel Rules and Regulations on grievance procedures when they disagree with the investigation or disposition of a harassment claim.

3

1

E. Department HR Administrator



1. The Department HR Administrator shall:

- a. Review all complaints and arrange for an investigation;
- b. Inform the parties involved with the result of the investigation;
- c. Inform the Internal Affairs Professional Standards (IAPS) Division as soon as possible, if a Standard Operating Procedure (SOP) violation exists;
- d. Immediately notify the Chief of Police and the District Attorney's Office if the complaint contains evidence of criminal activity;
- e. Include or request a determination about whether other Department personnel are being harassed by the person and whether other Department personnel participated in, or encouraged the harassment;
- f. Maintain a file of harassment complaints in a secured area; and
- g. Provide the Chief of Police and Department Chief of Staff with an annual summary of these complaints.

7

F. Department Supervisors

1. All Department supervisors shall be responsible for preventing acts of harassment. These responsibilities include, but are not limited to:
 - a. Monitoring their employee's work environment for evidence that harassment may be occurring;
 - b. Counseling all personnel on the types of behavior prohibited, and the Department procedures for reporting and resolving complaints of harassment;
 - c. Stopping any observed acts that may be considered harassment and taking appropriated steps to intervene whether or not the involved personnel are within their line of supervision; and
 - d. Taking immediate and appropriate action to limit the work contact between two (2) Department employees when there has been a complaint of harassment.
- e. Assisting any employee who has a complaint of harassment in documenting and filing a complaint with the Department HR Administrator;
 - i. The supervisor, to whom a complaint is given, shall meet with the employee and document the incidents, the person(s) doing or participating in the harassment, and the dates in which it occurred.
 - ii. The supervisor taking the complaint shall immediately deliver the complaint to the Department HR Administrator.
 - iii. Failure to take action to stop known harassment shall be grounds for discipline up to and including termination.
 - iv. Failure to notify the Department HR Administrator or Department Chief of Staff of a complaint of harassment shall be grounds for discipline.
 - v. Ensure that new personnel are properly trained and receive a copy of this policy.
- f. Cooperate in the investigation of the complaint; and
- g. Be familiar with City AI Number 7-18 in its entirety.

5

G. Department Personnel



1. Department personnel shall be responsible for assisting in the prevention of harassment through the following acts:
 - a. Refraining from participation in, or encouragement of, actions that are or could be perceived as harassment;
 - b. Reporting acts of harassment to a supervisor;
 - c. Assisting any employee who confides that they are being harassed by encouraging them to report it to a supervisor; and
 - d. Cooperating with any investigation in response to any allegation of harassment.
 - i. Refusal to cooperate in an investigation may result in disciplinary action, up to and including termination.

2

3

H. Confidentiality

The complaint filed, including the name of the complainant, ~~and as well as~~ the names of all Department personnel who provided statements, shall be kept confidential to the extent possible, consistent with the Department's obligation to investigate allegations of harassment promptly and thoroughly.