



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Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):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

~~X XX Policy Title~~ 3-41 Complaints Involving Department Personnel
3-46 Discipline System

B. Form(s)

~~PD X Form Title~~ None

C. Other Resource(s)

City Administrative Instruction Number ~~0~~ 7-18 Harassment/Sexual Harassment Policy
City of Albuquerque Rules and Regulations Section 903 Grievance Resolution

D. Rescinded Special Order(s)

~~SO X Subject~~ 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 providing a work environment free from all forms of harassment. Harassment is a prohibited form of discrimination under federal, state, and City, state, and federal laws, and is misconduct subject to disciplinary action by the Department. ~~All Department employees, supervisors, and managers personnel are responsible for maintaining a work environment free of any form of harassment and will be held fully accountable for complying with this policy and taking appropriate measures to ensure that such conduct does not occur. Any Department employee personnel found to have engaged in prohibited harassment will be subject to disciplinary action up to and including termination.~~ This policy applies to all forms of harassment, including sexual harassment, and supplements, but does not replace, City Administrative Instruction Number ~~0~~ 7-18.

N/A	1-5-3	Definitions
-----	-------	-------------

A. Harassment



~~Harassment is~~ Verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of ~~his/her~~ their race, color, religion, gender, sex, national origin, ancestry, age, disability, medical condition, sexual orientation, gender identity, 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

~~Sexual harassment is defined as a~~ Any unwelcome sexual advances, requests for sexually motivated physical contact, or other verbal expression ~~or~~ 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; ~~or~~
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 ~~or~~ 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.
 - d. Examples of harassment/sexual harassment are outlined in the City of Albuquerque Administrative Instruction ~~Number~~ 7-18, which are not to be construed as an all-inclusive list of prohibited acts under this policy or Administrative Instruction ~~Number~~ 7-18.

~~5. Unwelcome verbal or physical conduct that does not rise to the level of sexual harassment may violate other City policies and is prohibited.~~

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 will 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).

5

~~A.C.~~ Prohibited Activity

1. Harassment of any kind by Department personnel ~~will~~ shall not be tolerated.
 - a. ~~Department Personnel~~ personnel shall not either explicitly or implicitly ridicule, mock, ~~deride,~~ 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 P~~ 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 P~~ personnel shall not sexually harass any person.

Unwelcome verbal or physical conduct that does not rise to the level of sexual harassment may violate other City policies and, therefore, and is prohibited.

~~2.~~

N/A

~~B.D.~~ Reporting Harassment

1. ~~Department P~~ personnel who believe they ~~have been subjected to~~ are a victim of harassment or sexual harassment or other harassment are highly encouraged to tell the person responsible for the behavior that ~~his/her~~ their actions are offensive and unwelcome. ~~Department p~~ Personnel should report the matter promptly to their immediate supervisor, ~~or any supervisor, or the Department~~ Human Resource (HR) Administrator, or the City of Albuquerque Human Resources Department Office, within one-hundred-and-eighty (180) days.
2. ~~Department Personnel~~ personnel may also pursue action through the court ~~systems,~~ or any regulatory agency that is responsible for the enforcement of anti-discrimination laws, local such as the (City of Albuquerque Office of Civil Human Rights, Office), state the (New Mexico Human Rights Commission of New Mexico), or federal or the (Equal Employment Opportunity Commission) regulatory agency responsible for the enforcement of anti-discrimination laws.

4

3. Any Department supervisor who observes or has knowledge of harassment ~~must~~ shall immediately bring the matter to the attention of the Department Chief of Staff and Department HR Administrator, or City Human Resources ~~Office~~ Department. Failure to do so may result in disciplinary action, up to and including termination.



- 5 4. Retaliation is prohibited against any employee for filing a harassment complaint or assisting, testifying, or participating in the investigation of such complaint.
- 5. ~~Employees~~ Department Personnel accused of harassment may file a grievance/appeal, consistent with per City Personnel Rules and Regulations on ~~gg~~ Grievance pp ~~Procedures~~ when they disagree with the investigation or disposition of a harassment claim.

6 E. Department ~~HR~~ Administrator

~~1. The position responsible for coordinating employee complaints, including harassment/sexual harassment, is the manager of the Personnel/Payroll Management Division for the Department.~~

~~3.1.~~ 1. The Department HR Administrator ~~will~~ 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 ~~Unit~~ Professional Standards (IAPS) Division as soon as possible, if ~~an~~ 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 ~~employees~~ Department personnel are being harassed by the person and whether other Department ~~members~~ personnel participated in, or encouraged the harassment; ~~and~~
- f. Maintain a file of harassment complaints in a secured area; and
- ~~f.g.~~ P provide the Chief of Police and Department Chief of Staff with an annual summary of these complaints.

7 F. ~~All Department Supervisors~~ Supervisors shall:

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

~~1. Each supervisor shall be responsible for preventing acts of harassment. These responsibilities include, but are not limited to:~~

- ~~e.~~ a. Monitoring their employee's ~~unit~~ work environment for evidence that harassment may be occurring;
- ~~d.~~ b. Counseling all employees personnel on the types of behavior prohibited, and the Department procedures for reporting and resolving complaints of harassment;
- ~~e.~~ c. Stopping any observed acts that may be considered harassment and taking appropriated steps to intervene whether or not the involved employees personnel are within ~~his/her~~ their line of supervision; and
- ~~f.~~ d. Taking immediate and appropriate action to limit the work contact between two (2) employees Department employees ~~personnel~~ when ~~re~~ there has been a complaint of harassment.



~~3.e. Supervisors shall assist~~ Assisting any employee who has a complaint of harassment in documenting and filing a complaint with the Department HR Administrator;

~~ii.~~ 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.

~~iii.~~ ii. The supervisor taking the complaint shall immediately deliver the complaint to the Department HR Administrator.

~~iv.~~ iii. Failure to take action to stop known harassment shall be grounds for discipline up to and including termination.

~~v.~~ iv. Failure to notify the Department HR Administrator or Department Chief of Staff of a complaint of harassment shall be grounds for discipline.

~~vi.~~ v. Ensure that new employees personnel are properly trained and receive a copy of this policy.

~~4.f. Supervisors of the complaining employee shall cooperate~~ Cooperate in the investigation of the complaint; and

~~6.g. Supervisors shall be~~ Be familiar with City Administrative Instruction Number ~~7-18~~ in its entirety.

G. ~~Employees~~ Department Personnel shall:

1. Department personnel shall ~~Each employee of the Department is~~ 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~~ Assisting any employee who confides that they are being harassed by encouraging them to report it to a supervisor; and

d. ~~Cooperating~~ 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.

H. Confidentiality

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