



ROCKFORD POLICE DEPARTMENT

GENERAL ORDER

NUMBER: 3.01

TITLE: UNLAWFUL HARASSMENT AND VIOLENCE IN THE WORKPLACE

SERIES: 3 - PER

SERIES TITLE: PERSONNEL

TOPICS / REFERENCE: DISCRIMINATION, HARASSMENT, HOSTILE WORK ENVIRONMENT, SEXUAL HARASSMENT, UNLAWFUL HARASSMENT

APPENDICES: NONE

ORIGINAL EFFECTIVE / ISSUE DATE: APRIL 27, 2004

DATE OF LAST REVISION: MARCH 14, 2017

POLICY:

It is the policy of the Rockford Police Department to provide a professional and productive work environment, free from violent, threatening, harassing or disruptive behavior, for all employees, and require each employee to aid in maintaining that environment. Employees who engage in any form of unlawful harassment may not only hurt others, but may also expose themselves and the Department to potential legal liability. The Department will not condone or tolerate any harassment of, or from, an applicant, citizen, contractor, customer, co-worker, supervisor, or manager on the basis of race, religion, color, national origin, disability, pregnancy, sexual orientation, gender or age. The Department will not condone or tolerate verbal or physical conduct by any employee that harasses, disrupts, threatens or abuses another employee or interferes with their work performance.

This policy will apply to all sworn and non-sworn personnel in all Bureaus, Divisions, Units and Sections of the Rockford Police Department.

PURPOSE:

The purpose of this General Order is to provide descriptions and examples of prohibited conduct, guidelines and procedures for reporting such incidents and both supervisory and management responsibility in enforcement of this policy. Anyone who violates this policy will be subject to appropriate discipline, up to and including discharge from employment and/or criminal prosecution.

These guidelines are not meant to be all-inclusive, since each incident must be dealt with on an individual basis, but are intended as broad guidelines to assist the employees and supervisors involved.

This Order is comprised of the following numbered section:

- I. DEFFINITIONS**
- II. PROHIBITED CONDUCT**
- III. REPORTING PROCEDURES**
- IV. SUPERVISORY AND MANAGEMENT RESPONSIBILITIES**

APPENDICES: NONE

I. DEFFINITIONS:

- A. Sexual Harassment:** Sexual harassment is defined as any unwelcome sexual advance or conduct of a sexual nature when such advance or conduct is a term or condition of an employment or promotion decision, substantially interferes with an individual's performance or creates an intimidating, hostile, or offensive work environment. No supervisor or manager shall directly or indirectly condition any term of employment or make any decision, with respect to an employee's acceptance or rejection of any sexual advance or conduct. Any and all forms of sexual harassment, by any Department personnel, are prohibited.
- B. Violence:** Violence shall mean an act or conduct that has the purpose or effect of reasonably interfering with an employee's work performance or creating an intimidating, hostile, abusive or offensive work environment.
- C. Other forms of unlawful harassment:** This policy prohibits harassment on the basis of race, religion, color, national origin, disability, pregnancy, gender or age or any other basis prohibited by law. Prohibited harassment based on the above includes, but is not limited to, behavior which:
 - 1. Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
 - 2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
 - 3. Otherwise adversely affects an individual's employment opportunities.

II. PROHIBITED CONDUCT:

- A. Acts or conduct prohibited by this Order include, but are not limited to, the following:**
 - 1. Violence or physical assault;
 - 2. Threats of violence, whether verbal or demonstrative, communicated or reasonably perceived as meant to harm another individual or in any way endanger the safety of an individual;
 - 3. Obsessively or intensely directed behavior focused on another person which could reasonably be perceived as threatening, harassing or menacing;

4. Destroying or threatening to destroy property;
 5. Making statements about others, which are false, malicious, disparaging, derogatory, rude, abusive, obnoxious, or disrespectful or which have the intent to hurt the reputation of another person;
 6. Intimidating or harassing others;
 7. Fighting, stalking or any unlawful violent act.
- B. Violence, harassment and disruptive behavior directed against others are strictly prohibited and constitute serious misconduct. The Department will take direct and immediate action to prevent such behavior, and will investigate all reported instances of such behavior.

III. REPORTING PROCEDURES:

- A. It is the responsibility of every employee who believes he or she has been the subject of or a witness to, unlawful harassment, to immediately report the matter to their supervisor. Where this is not practical or the alleged offender is their supervisor, the complaint may be made with another supervisor, any command level staff, any bureau chief, the Chief of Police, the Director of Personnel or the Legal Director for the City of Rockford, without regard to chain of command.
- B. Employees who become aware of possible unlawful harassment, even if they are not themselves victims, are responsible for bringing the matter to the attention of the appropriate supervisor as provided in this General Order.
- C. Because of its sensitive nature, complaints of unlawful harassment will be, to the extent possible, kept and investigated in such a way as to remain confidential.
- D. It is prohibited to retaliate against anyone that reports alleged unlawful harassment or anyone who assists in the investigation of a complaint of unlawful harassment. Anyone who retaliates against such persons will be subject to appropriate disciplinary action up to and including discharge from employment.
- E. The Department also recognizes that false accusations of unlawful harassment can have serious adverse effects. All employees will act honestly and responsibly in complying with and enforcing this policy. Anyone who knowingly makes a false accusation of unlawful harassment will be subject to appropriate disciplinary action up to and including discharge from employment.

IV. SUPERVISORY AND MANAGEMENT RESPONSIBILITIES:

- A. All supervisors and commanders, as part of their job requirements, are responsible for preventing and eliminating unlawful harassment, including sexual harassment, in their respective Bureau, Division, Unit or Section.

- B.** Any complaint of unlawful harassment will receive the immediate attention of the supervisor to whom it is made. This must be done in a timely manner in order to protect the employee from further unlawful harassment and to prevent retaliation of any kind against the person reporting the unlawful harassment.
- C.** Any supervisor who receives a complaint of unlawful harassment, or who learns of an incident of unlawful harassment, will immediately document the complaint or incident by submitting an Officer's Report or Civilian Employee's Report to the Chief of Police. This report will include details of the complaint or incident including, at a minimum:
- 1.** A statement of facts on which the complaint and/or report of unlawful harassment is based;
 - 2.** A description of any evidence, presented to or otherwise known about by the supervisor, supporting the complaint and/or report. These may include but are not limited to:
 - a.** Notes or letters sent by the alleged offender;
 - b.** Email sent or voice mail messages left by the alleged offender; and/or
 - c.** Photographs sent by the alleged offender.
 - 3.** Identification (names, descriptions, work assignments, etc.) of all persons involved in the reported unlawful harassment. This should include all known victims, offenders and witnesses;
 - 4.** Specific description(s) of the unlawful harassment act or acts reported;
 - 5.** Date(s) on which the unlawful harassment was reported to have occurred; and
 - 6.** The date and time the unlawful harassment complaint was made to the supervisor, and/or the date and time they became aware of the incident, along with any preventative action(s) taken as mandated in Section III, A of this General Order.
- D.** The Chief of Police, utilizing the Office of Professional Standards, and working with the City of Rockford Director of Personnel, is responsible for the coordination of investigations involving unlawful harassment complaints.
- E.** Generally, the Commander of the Office of Professional Standards will conduct investigations of unlawful harassment complaints. The Chief of Police will decide if and when another person, or additional Department personnel, will be assigned to conduct or assist with these investigations and who the personnel will be.
- F.** If a complaint involves allegations of additional criminal activity, the Chief of Police will determine if the alleged criminal offense will be investigated by the Rockford Police Department or an outside agency.
- G.** If, during an investigation of an unlawful harassment complaint, evidence of any serious criminal offense is found, the Chief of Police or a person

designated by the Chief will report the offense to the States Attorney's Office.

- H. All internal investigations of unlawful harassment will be conducted following procedures established by Department policy and/or any collective bargaining agreements protecting affected personnel.
- I. After appropriate investigation, any employee found to have violated this policy will be subject to disciplinary action up to and including discharge from employment.
- J. The Chief of Police, working with the Director of Personnel, will identify and make recommendations on correcting any training deficiencies, unclear policy issues and/or undesirable work conditions believed to have contributed to any incident of unlawful harassment.

ALL GENERAL ORDERS REMAIN IN EFFECT UNTIL REVISED OR RESCINDED.

ANY MEMBER OF THE DEPARTMENT MAY, BY VIRTUE OF EXPERTISE OR POSITION OF FUNCTION, BE DESIGNATED TO AUTHOR OR PROVIDE SOURCE MATERIAL FOR A WRITTEN DIRECTIVE. THE OVERALL AUTHORITY TO ISSUE, MODIFY OR APPROVE WRITTEN DIRECTIVES IS DESIGNATED TO THE CHIEF OF POLICE.

ALL GENERAL ORDERS ARE SCHEDULED TO BE REVIEWED ANNUALLY BY THE GENERAL ORDER REVIEW COMMITTEE AND WHEN NECESSARY, REVISED OR CANCELED IN ACCORDANCE WITH THE PROCEDURES FOR REVIEWING WRITTEN DIRECTIVES ESTABLISHED IN GENERAL ORDER 1.10 – WRITTEN DIRECTIVES.

ALL NEW AND REVISED GENERAL ORDERS SHALL BE APPROVED BY THE CHIEF OF POLICE BEFORE ISSUE/REISSUE.

ANY EMPLOYEE WITH SUGGESTIONS FOR REVISIONS AND/OR IMPROVEMENTS TO THIS ORDER ARE ENCOURAGED TO SUBMIT THEIR IDEAS TO THEIR RESPECTIVE DISTRICT COMMANDER OR BUREAU CHIEF.

BY ORDER OF

_____ **DATE: 03/14/2017**

Daniel G. O'Shea

Chief of Police