

East Haven Police Department



Type of Directive: Policies & Procedures	No. 206.4
Subject/Title: Harassment Policy	Issue Date: January 31, 2023
	Effective Date: February 15, 2023
Issuing Authority: Honorable Board of Police Commissioners	Review Date: Annually
References/Attachments: Connecticut General Statute § 46a-60 Connecticut Public Act 19-16 Title VII of the Civil Rights Act of 1964 Town of East Haven Townwide Sexual Harassment Policy	Rescinds: 206.3
	Amends: N/A

I. PURPOSE

- A. The purpose of this directive is to set forth the policies and procedures of the East Haven Police Department (EHPD) regarding the prohibition of all forms of unlawful harassment, including sexual harassment, and the procedures to follow when making and investigating an allegation of harassment.

II. POLICY

- A. It is the policy of the East Haven Police Department to promote a safe, comfortable, and appropriate work environment for all employees. The Department expressly prohibits any form of unlawful harassment, including sexual harassment, among its employees.
- B. It is the policy of the East Haven Police Department to enable employees to make complaints of unlawful harassment, including 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 harassment or for cooperating in an investigation of a complaint of harassment.
- C. 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.

III. GENERAL GUIDELINES AND CONSIDERATIONS

- A. Harassment is unwelcome conduct that is based on race, color, religion, sex (including sexual orientation, gender identity or pregnancy), national origin, older age (beginning at age 40), disability or genetic information (including family medical

history). Harassment becomes unlawful when the enduring offensive conduct becomes a condition of continued employment, or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

1. Offensive conduct may include, but is not limited to offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.
2. The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
3. The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
4. Unlawful harassment may occur without economic injury to, or discharge of, the victim.

B. 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 as any unwelcome sexual advances or requests for sexual favors or any 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.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
4. Examples of sexual harassment include:
 - a. Undesirable sexual advances.
 - b. Suggestive or lewd remarks.
 - c. Unwanted hugs, touches, kisses, and/or requests for sexual favors.
 - d. Retaliation for complaining about sexual harassment.
 - e. Derogatory or pornographic posters, cartoons, or drawings.
5. Sexual harassment is not, by definition, limited to prohibited conduct by a male employee toward a female employee, or by a supervisor toward one of a lower rank.
6. The objectionable activity does not have to take place during working hours.

C. Quid Pro Quo harassment, a form of sexual 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.

D. Hostile Work Environment occurs when unwelcome 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. 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.
2. Refusing to take action or to enforce disciplinary measures against a person who has been harassing another staff member or otherwise condoning such behavior.
3. Continuing to ask a person to socialize after work hours when that person has verbally indicated no interest in such activities.
4. Retaliating against individuals who refrain from, or are opposed to, engaging in practices that they reasonably believe are discriminatory in nature.
5. The victim does not have to be the person to whom the unwelcome conduct is directed. He/she may be someone who is affected by such conduct when it is directed toward another person. For example, the 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.
6. 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.

IV. PROCEDURES FOR MAKING AND INVESTIGATING COMPLAINTS

- A. The Department and all employees are subject to the Town of East Haven's Sexual Harassment Policy in addition to this Directive.
- B. All persons having supervisory responsibilities over other employees have an affirmative responsibility to create an atmosphere free of harassment, including sexual harassment. Supervisors are also responsible for taking corrective action consistent with the Town's policy and procedures as soon as they become aware of objectionable activity.
- C. Making Complaints
 - 1. All personnel are to be assured that employees who make complaints of unlawful harassment or provide information will be afforded confidentiality to the extent allowed under law.
 - a. The Department shall protect employees from any form of retaliation.
 - b. The Town will not tolerate any retaliation or reprisal by any individual against any complaining employee or corroborating witness.
 - 2. Any employee who believes he/she has been subject to unlawful harassment should immediately notify his/her Supervisor so the Department and Town can take the necessary and appropriate steps to effectively investigate the complaint.
 - 3. If the complaint concerns the Supervisor, the complaint should be brought to any other Supervisor or the Town's Assistant Director of Administration and Management – Human Resources.
 - 4. If the complaint is not resolved to the satisfaction of the employee by the Supervisor and/or the Town's Assistant Director of Administration and Management, he/she should appeal to the Office of the Mayor.
 - 5. Any employee may skip any of the above steps, or pursue different avenues for reporting, in an effort to mitigate genuine conflict of interest by discussing the complaint with the individual responsible at that level (e.g. the employee believes they have been subject to unlawful harassment by the supervisor).
 - 6. Any employee is free to bring his or her complaint directly to the State's Attorney or the U.S. Attorney.

D. Investigating Complaints

- 1. Department Heads, Supervisors, and the Director of Administration and Management are responsible for investigating complaints.
 - a. Any Department Head or Supervisor who is made aware of a complaint of unlawful harassment, including sexual harassment, must immediately report the complaint to the Director of Administration and Management. In the absence of the Director of Administration and Management, his/her designee shall conduct the investigations.

- b. The Director of Administration and Management and/or his or her designee shall be responsible for thoroughly investigating complaints of unlawful harassment.
2. Sanctions for Engaging in Harassment
 - a. The range of sanctions for employees found to have committed harassment shall include termination from employment and prosecution under State or Federal Law.

V. TRAINING FOR PREVENTION

- A. Prevention of Unlawful Harassment
 1. All personnel, including any newly hired employee, shall be notified of the existence of this policy and will have access to this policy via the Power DMS computer software.
 2. All personnel shall receive training regarding unlawful harassment, including sexual harassment, in accordance with Connecticut Public Act 19-16.
 - a. Training shall include information regarding federal and state statutory provisions pertaining to unlawful harassment and remedies available to victims.
 - b. The above training shall be provided as part of the employees' initial training and at least once every three (3) years thereafter.
 - 1) Supplemental training shall include updates on laws pertaining to the illegality of harassment and sexual harassment and the remedies available to victims.