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## **Discrimination and Harassment**

### **914.1 PURPOSE AND SCOPE**

The purpose of this order is to prevent Department members from being subjected to discrimination, harassment, or sexual harassment and to ensure full equal employment opportunity in conformance with federal, state and local law.

### **914.2 POLICY**

The Austin Police Department is committed to creating and maintaining a work environment that is free of all forms of discrimination and intimidation, including sexual harassment. The Department will take preventive, corrective and disciplinary action for any behavior that violates this order or the rights and privileges it is designed to protect.

### **914.3 DEFINITIONS**

#### **914.3.1 DISCRIMINATION**

- (a) Discrimination is any act or omission of an act which would create a hostile work environment, or exclude any person from employment or promotional opportunities because of creed, color, national origin, sex, gender identity or gender expression, age, religion, veteran status, disability, or sexual orientation.
- (b) In addition, the City will not discriminate on the basis of an individual's AIDS, AIDS Related Complex, or HIV status; nor will the City discriminate against individuals who are perceived to be at risk of HIV infection, or who associate with individuals who are believed to be at risk.
- (c) Discrimination includes, but is not limited to, derogatory comments, slurs or jokes, pictures, cartoons or posters and actions that result in an employee being offended or insulted.

#### **914.3.2 SEXUAL HARASSMENT**

- (a) Sexual harassment is any unwelcome sexual conduct that occurs under one or more of the following conditions. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature will be considered harassment when:
  - 1. Submission to such conduct is made either openly or by implication a term or condition of an individual's employment; or
  - 2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that person; or
  - 3. Such conduct unreasonably interferes with the individual's work performance or creates an intimidating, hostile, or offensive working environment.

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- (b) Sexually oriented jokes, remarks, gestures, or pictures may be offensive to other employees and will not be tolerated.
- (c) Any manager, supervisor or employee who engages in such objectionable conduct is subject to immediate discipline up to and including termination.

**914.3.3 ADDITIONAL CONSIDERATIONS**

- (a) Harassment is abusive, obscene or threatening conduct or communication that is intended to harass, annoy, alarm, torment, embarrass or injure another.
- (b) Employees who engage in such conduct while on duty or on City premises will be subject to immediate discipline.

**914.3.4 ADDITIONAL CONSIDERATIONS**

Discrimination and harassment does not include actions that are in accordance with established rules, principles or standards, including the following:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission.
- (b) Bona fide requests or demands by a supervisor that an employee improve his work quality or output, that the employee report to the job site on time, that the employee comply with City or Department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

**914.4 RESPONSIBILITIES**

This order applies to all Department personnel. All employees shall follow the intent of these guidelines in a manner that reflects Department orders, professional law enforcement standards and the best interest of the Department and its mission.

- (a) All employees shall promptly report any observed or known violations of this order to:
  - 1. Any person in the employee's chain-of-command, including the Chief. If the allegation involves a person in the employee's chain-of-command, employees should feel free to report the situation to any other supervisor.
  - 2. Internal Affairs (for sworn employees).
  - 3. The APD-HR manager (for civilian employees).
  - 4. City Auditor's Office.
  - 5. The Director of City-HR or Civil Service.

**914.4.1 SUPERVISOR RESPONSIBILITY**

Each supervisor and manager shall:

- (a) Ensure that the work environment is free from all types of unlawful discrimination, including sexual harassment.
- (b) Take prompt, appropriate action within the work units to avoid and minimize the incidence of any form of discrimination.

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- (c) Ensure subordinates attend any required training on discrimination and harassment.

### **914.4.2 SUPERVISOR'S ROLE**

Discrimination and harassment is viewed from the perspective of the victim, not the offender. Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory or harassing. Supervisors should consider whether a reasonable person in the victims place would consider the conduct to be inappropriate.

Supervisors and managers shall be aware of the following considerations:

- (a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement standards.
- (b) False or mistaken accusations of discrimination and sexual harassment have negative effects on the careers of innocent employees.
- (c) Supervisors and managers must act responsibly in the handling of such situations.

### **914.5 INVESTIGATION OF COMPLAINTS**

- (a) The Chief has the authority to order Internal Affairs to conduct an investigation alleging discrimination/harassment regardless of whether the conduct involves sworn or non-sworn employees.
- (b) All complaints of discrimination/harassment involving sworn employees shall be reported to the Chief.
- (c) All complaints of discrimination/harassment involving civilian employees will be reviewed and/or investigated according to City Personnel Policy.