

## **EXHIBIT C**

### **PGPD Discrimination, Harassment and Retaliation Policy**

#### **I. PURPOSE**

The purpose of this policy is to foster a healthy work environment in which all individuals are treated with respect and dignity, and to provide procedures for reporting, investigating, and resolving complaints of discrimination and harassment. All employees have the right to work in an environment free of harassment, discrimination and retaliation.

#### **II. POLICY**

It is the policy of the Department that all employees shall not engage in any acts that threaten, intimidate, harass, demean, or torment fellow employees. This agency considers harassment, discrimination, and retaliation of others to be serious employee misconduct. Any prohibited conduct covered by this policy that comes to the attention of a supervisor shall result in an investigation. Any sustained findings of harassment, discrimination, or retaliation will result in severe discipline.

The Deputy Chief, Bureau of Administration and Homeland Security (BOAHS), serves as the Department's Equal Employment Opportunity Coordinator ("EEO Coordinator"). The Commander/Manager, Police Personnel Division (PPD), serves as the Assistant Equal Employment Opportunity Coordinator ("Asst. EEO Coordinator").

#### **III. DEFINITIONS**

**Discrimination:** Unfair or unequal treatment of persons or groups based on race, color, national origin, ethnicity, gender, marital status, creed, religion, age, sexual orientation, gender identity, pregnancy, or disability (*i.e.*, protected class status). Discrimination may be intentional or unintentional, and can occur overtly or covertly, by an act or an omission.

**Harassment:** Unwanted, unwelcome, or uninvited conduct that demeans, threatens, or offends another person because of their protected class status. Harassment becomes unlawful where (1) enduring the offensive conduct becomes a condition of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, humiliating, annoying, or abusive.<sup>1</sup>

**Retaliatory Conduct:** Conduct or action designed to serve as retribution against an employee who, in good faith, has reported or otherwise provided information regarding misconduct against another employee. In the context of this policy, retaliatory conduct includes any deliberate, purposeful actions or failures to act directed against employees that cause or that could

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<sup>1</sup> Equal Employment Opportunity Commission (EEOC), "Harassment," <https://www.eeoc.gov/laws/types/harassment.cfm>.

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reasonably be expected to cause physical harm, property damage, significant emotional stress, or other serious negative effect on another employee; designed to ridicule or embarrass; or could seriously impair the efficiency, safety, or effectiveness of that employee, the Department, or both. Such conduct may take many forms, including, but not limited to, harassment; persistent offensive comments, threats, or intimidation; false accusations; involuntary transfers, unit shift changes, or other temporary or permanent reassignments; denial of requested transfers or promotions; institution of disciplinary proceedings; isolation; ostracism; posting of secure or personal information on the Internet; or acts that malign or disparage an individual's reputation.

**Sexual Harassment:** A form of discrimination involving unwelcome, unsolicited sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that explicitly or implicitly affects employment, unreasonably interferes with work performance, or creates an intimidating, hostile, or offensive working environment. Sexual harassment includes, but is not limited to, offensive jokes, slurs, epithets or name calling, undue attention, physical assaults or threats, unwelcomed touching or contact, intimidation, ridicule or mockery, insults or put-downs, constant or unwelcomed questions about an individual's identity, and offensive objects or pictures. In addition, it includes any attempt to make submission to such conduct, either explicitly or implicitly, a term or condition of an employee's job, pay or career advancement (*i.e.*, "quid pro quo" sexual harassment).

**Stereotyping:** Preconceived or oversimplified generalization involving negative beliefs about a particular group or class of people. Negative stereotypes are frequently the basis for prejudicial attitudes and beliefs. It overlooks people as individuals and categorizes them as members of a group who all think and behave the same, or possess the same (usually inferior) cognitive or physical abilities.

#### **IV. FORMS**

Equal Employment Opportunity Complaint Form (PGC Form #4534)

#### **V. PROHIBITED ACTIVITIES**

##### **1. Discriminatory Treatment**

No employee shall treat any employee differently based on a protected class status.

##### **2. Prohibited Harassment**

No employee shall

- ❑ Make offensive or derogatory comments to any person, either directly or indirectly, whether verbally, in writing, or through the use of electronic devices or Internet services.
- ❑ Engage in activity such as slander, sabotage, ostracism, badgering, withholding resources, disruptive treatment and/or conduct that intimidates or is hostile. Nor shall any employee allow non-employees who conduct business with the Department to engage in such activity. All prohibited acts of these types will be judged on the basis of conduct that is "objectively reasonable."

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- ❑ Perform an objectively unreasonable act upon any employee based upon that employee's perceived protected class status.
- ❑ Use blogs, social networking sites, or other Internet communication devices to harass another employee. This prohibition includes the employee's use of Internet or social networking sites outside the workplace.

**3. Sexual Harassment**

No employee shall engage in sexual harassment in any manner or form.

**VI. PROCEDURES**

**1. Responsibilities of Supervisors, Commanders, and Managers**

Supervisors, Commanders, and Managers shall be responsible for

- ❑ Advising employees on the types of behavior prohibited and the agency procedures for reporting and resolving complaints of harassment, discrimination, and retaliation;
- ❑ Monitoring the work environment on a daily basis for signs that harassment, discrimination, or retaliatory conduct may be occurring;
- ❑ Stopping any observed acts that may be considered harassment, discrimination, or retaliation, and taking appropriate steps to intervene, whether or not the involved employees are under their supervision;
- ❑ Utilizing all reasonable means to prevent a prohibited act from occurring when they know or should know that an employee will or may perform such an activity; and
- ❑ Taking immediate action to prevent retaliatory conduct toward the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment and/or discrimination.
  - If a situation requires separation of the parties, care should be taken to avoid action that punishes or appears to punish the complainant.
  - Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should not be taken against the wishes of the complaining party.

No Supervisor, Commander or Manager shall (i) undertake to investigate or resolve allegations of discrimination, harassment, or retaliation, or (ii) make any employment decision that affects

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the terms, conditions, or privileges of an individual's employment based on that person's protected class status.

Supervisors, Commanders, and Managers shall take immediate action to notify the EEO Coordinator, Assistant EEO Coordinator, IAD Commander, and Director of the Office of Integrity and Compliance of any prohibited activities that are brought to their attention.

Once a Supervisor, Commander, or Manager receives information regarding conduct that may violate this policy, they are responsible for taking action, regardless of whether the reporting employee wants any action taken on their behalf. Circumstances in which the victim is underage require immediate, emergency notification.

Each Supervisor, Commander, or Manager has the responsibility to assist any employee in documenting and filing a complaint of harassment, discrimination, or retaliation with the EEO Coordinator. Other than providing notification to the EEO Coordinator, Assistant EEO Coordinator, IAD Commander, and Director of the Office of Integrity and Compliance, as described above, Supervisors, Managers, and Commanders shall maintain the confidentiality of all discrimination, harassment, and retaliation complaints.

## **2. Employee Responsibilities**

Each employee of the Department is responsible for assisting in the prevention of harassment, discrimination, and retaliation by

- ❑ Not participating in or encouraging any action that could be perceived as harassment, discrimination, or retaliation;
- ❑ Reporting observed acts of harassment, discrimination, or retaliation to a supervisor; and
- ❑ Encouraging any employee who confides that they are being harassed, discriminated against, or retaliated against, to report these acts to a supervisor.

Failure of any employee to carry out their responsibilities as defined in this policy will be considered in any performance evaluation or promotional decision and may be grounds for discipline.

## **3. Complaint Procedures**

Any employee encountering harassment, discrimination, or retaliation is encouraged to

- ❑ Inform the person that their actions are unwelcome and offensive; and
- ❑ Immediately document all incidents in order to provide the details for investigation.

***Except as indicated below***, any employee who believes that they are being harassed, discriminated against, or retaliated against shall report the incident(s) as soon as possible to a Supervisor, Manager, the Internal Affairs Division (IAD), the EEO Coordinator or Assistant

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EEO Coordinator, or the Director of the Office of Integrity and Compliance, so that steps may be taken to protect the employee from further actions in violation of this policy and so that appropriate investigative and disciplinary measures may be initiated. Where the immediate supervisor is involved in the prohibited action, the employee may waive filing a complaint with that Supervisor or Manager and may proceed to a Supervisor higher in the chain of command or directly to the EEO Coordinator, Assistant EEO Coordinator, the Internal Affairs Division, or the Director of the Office of Integrity and Compliance.

Employees who falsely accuse another as a means of harassment, discrimination or retaliation shall be disciplined.

The Supervisor or other person to whom a complaint is given shall meet with the employee and document the following:

- The incident(s) complained of;
- The person(s) performing or participating in the prohibited action;
- Any witnesses to the incident(s); and
- The date(s) on which it occurred.

The employee taking the complaint shall promptly submit a confidential memorandum documenting the complaint to the EEO Coordinator, Assistant EEO Coordinator, IAD, or the Office of Integrity and Compliance.

All complaints of proscribed conduct must be investigated. Unless otherwise specified, the Internal Affairs Division shall be responsible for investigating any complaint alleging a violation of this policy. Upon receipt of a complaint of proscribed conduct, the EEO Coordinator, Assistant EEO Coordinator, or Director of the Office of Integrity and Compliance shall refer the matter to IAD for investigation. The Office of Integrity and Compliance shall monitor such investigations. Further, IAD shall

- Immediately and thoroughly investigate any proscribed conduct that comes to the attention of the Department. All assigned investigators must be trained to investigate Harassment, Discrimination, and Retaliation cases, and no investigators may be assigned such cases without such training;
- Immediately notify the Chief of Police if the complaint contains evidence of criminal activity;
- Include a determination as to whether a violation of this policy occurred and whether other agency members participated in or encouraged the harassment or discrimination;

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- ❑ Recommend effective and appropriate discipline in any case where violations have been substantiated;
- ❑ Inform the parties involved, the Chief of Police or the Chief's designee, the Director of the Office of Integrity and Compliance, and the Office of Human Resources Management of the outcome of the investigation;
- ❑ Maintain a file of complaints in a secure location; and
- ❑ Provide the Chief of Police the Director of the Office of Integrity and Compliance, and the Office of Human Resources Management with a semi-annual summary of these complaints.

The complaining party's confidentiality shall be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances and controlling law.

It is *essential* to remember that this policy does not preclude any employee from filing a complaint or grievance with the U.S. Equal Employment Opportunity Commission, Prince George's County Human Commission, Maryland Commission on Human Relations, Union representative, or any other appropriate outside agency. Contact for each agency is as follows:

U.S. Equal Employment Opportunity Commission  
GH Fallon Federal Building  
31 Hopkins Plaza, Suite 1432  
Baltimore, MD 21201  
(410) 962-3932

Maryland Commission on Human Relations  
6 Saint Paul Street, Suite 900  
Baltimore, MD 21202  
(410) 767-8600

Prince George's County Human Relations Commission  
1400 McCormick Drive, Suite 245  
Largo, MD 20774  
(301) 883-6170

Prince George's County Office of Human Resources Management  
1400 McCormick Drive, Suite 159  
Largo, MD 20774  
(301) 883-6330

**4. Retaliatory Conduct**

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Retaliatory conduct against any employee for filing a harassment, discrimination, or retaliation complaint, or for assisting, testifying, or participating in the investigation of such a complaint is prohibited by this Department.

**5. Training**

This Department shall provide pre-service and annual in-service training concerning the nature of harassment, discrimination, and retaliation in the workplace and prohibitions on such actions defined in the policy. Training should be tailored to specific sections within the Department, recognizing that middle- and first-line supervisors are of particular importance in preventing, identifying, and responding effectively to harassment, discrimination, and retaliation.

**VI. GOVERNING LEGISLATION & REFERENCE**

This General Order addresses:

- ❑ Commission on Accreditation for Law Enforcement Agencies, Standards 26.1.1, 26.1.3.
- ❑ International Association of Chiefs of Police Model Policy (May 2019)

Governing Legislation:

- ❑ Civil Rights Act of 1964
- ❑ Equal Employment Opportunity Act of 1972
- ❑ Prince George's County Executive Order No. 61-1995