

**BAY CITY DEPARTMENT OF PUBLIC SAFETY
BAY CITY, MICHIGAN**

SECTION 1 - ADMINISTRATIVE
GENERAL ORDER

December 2, 2020
INDEX NO. 1.2

HARASSMENT

I. PURPOSE

The purpose of this General Order is to ensure every employee the opportunity, afforded by law, to work in a hostile-free environment that is free of harassment and to establish procedures for reporting, investigation and resolution of complaints of harassment.

II. APPLICATION

- A. This order is for internal use only and is not intended to enlarge the employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as both the employer and the employee's legal duty is imposed by law.
- B. Noncompliance with this policy constitutes a violation of an employment duty only, except in such cases as any noncompliance is also a violation of the laws of the State of Michigan. Therefore, violations of this policy only shall form the basis of disciplinary action within this Department.
- C. In the event that a violation of the duties imposed by this policy also constitutes a breach of the duties imposed by the laws of the State of Michigan, nothing herein shall be construed to relieve one from that legal duty or from any action resulting from a breach of that legal duty.

III. GENERAL STATEMENT

The Bay City Department of Public Safety is committed to ensuring its employees a workplace that is free from harassment, hostility or intimidation by co-workers, supervisors and / or agents of the Department. The Department will not tolerate discrimination in any form including offensive or derogatory remarks, comments or conduct involving race, color, gender, religion, disability, national origin, age, height, weight, marital status or sexual orientation.

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IV. PROHIBITED ACTIVITY

- A. No employee shall either explicitly or implicitly ridicule, taunt, mock, deride or belittle any person.
- B. No employee shall make offensive or derogatory remarks or comments based on race, color, gender, religion, disability, national origin, age, height, weight, marital status or sexual orientation directly or indirectly to another person. Such remarks or comments, by their nature, are deemed harassment which is a prohibited form of discrimination under state and federal employment law.
- C. No employee shall engage in sexual harassment in any form.
- D. Sexual harassment: May include, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature or behaviors which create a hostile environment. Prohibited behaviors include:
 - 1. Verbal harassment including, but not limited to, comments or questions about a person's sexual behavior, sexually-oriented jokes, comments or questions about a person's body and conversations containing sexual innuendo.
 - 2. Physical harassment including, but not limited to, unwelcome touching, fondling, patting or kissing.
 - 3. Requests for, or advances of, a sexual nature that are direct or implied conditions of a person's hiring, promotion, or any other job benefit.
 - 4. Direct or implied threat(s) that failure to cooperate with a request or advance of a sexual nature will result in a refusal to hire, the firing, denied promotion or withheld job benefit.
 - 5. Sexually suggestive pictures or other sexually-oriented objects which are displayed or kept in the workplace which may have the purpose or effect of embarrassing, humiliating, intimidating or frightening employees, clients or visitors. Such materials shall include, but not be limited to posters, calendars, photographs, and magazines.

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V. SUPERVISOR RESPONSIBILITY

- A. Each supervisor shall be responsible for preventing acts of harassment. This responsibility includes:
1. Monitoring the work environment on a daily basis for signs that harassment may be occurring.
 2. Counseling all assigned employees on this order, the types of behavior prohibited and the agency procedures for reporting and resolving complaints of harassment.
 3. Intervening to stop any observed acts that may be considered harassment and taking appropriate steps to intervene upon receiving a report of harassment, whether or not the involved employee(s) is under his / her direct supervision.
 4. Taking immediate action to limit further contact between such employees pending investigation and ensuring that the employee who experienced such harassment is not further harassed, in any manner, by any employee.
- B. Each supervisor has the responsibility to assist any employee of this agency, who comes to that supervisor with a complaint of harassment, in documenting and filing a complaint, without delay, in writing, to the office of the Deputy Public Safety Director.
- C. Each supervisor has the responsibility to ensure that there is no reprisal or retaliation against any employee filing a harassment complaint or assisting, cooperating with or participating in the investigation of such complaint.

VI. EMPLOYEE RESPONSIBILITY

Each employee of this agency is responsible for assisting in the prevention of harassment through the following acts:

- A. Refraining from participation in, or encouragement of, actions that could be perceived as harassment.
- B. Reporting acts of harassment to a supervisor, even if the employee is not one of the actors.

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- C. Encouraging any employee who confides that he / she is being harassed and/or sexually harassed, to report these acts to a supervisor.

VII. COMPLAINT PROCEDURE

- A. Employees encountering harassment shall, if possible, tell the person that their actions are unwelcome and offensive. The employee shall document all incidents of harassment in order to provide the fullest basis for investigation.
- B. Any employee who believes that they are being harassed, or sees another employee who they believe is being harassed, shall report the incident(s) to their supervisor. The report shall be made as soon as possible so that steps may be taken to protect the employee from further harassment and appropriate investigative and disciplinary measures may be initiated. Where reporting the harassment to their supervisor is not practical, the employee may instead file a complaint with any other supervisor, the Deputy Public Safety Director or the Public Safety Director.
 - 1. The supervisor receiving the complaint shall document receipt of the complaint and, in detail, shall include the person(s) performing or participating in the harassment, date(s), time(s), place(s), witnesses, if any, act(s) committed and such additional information available.
 - 2. The supervisor shall forward the complaint to the office of the Deputy Public Safety Director without delay.
- C. The Deputy Public Safety Director shall forward the complaint to the Public Safety Director as soon as practical.
- D. The Public Safety Director will ensure that, consistent with Michigan law, a complete investigation of any complaint alleging harassment is conducted.
- E. Upon the completion of the investigation, the employees involved shall be advised of the outcome of the investigation.
- F. The Professional Standards Sergeant shall maintain, in a secure location, a complete file of harassment complaints received and accompanying investigative files.

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- G. If an employee wishes to report harassment involving the Public Safety Director, the complaint may be filed with the City Manager's office for investigation and disposition.

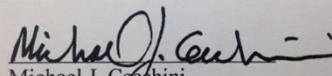
VIII. EMPLOYEES' RIGHTS

- A. All legal contractual rights afforded employees accused of harassment shall be observed at all times.
- B. All legal and contractual rights afforded employees filing a complaint of harassment shall be observed at all times.
- C. This order does not preclude any employee from filing a complaint with an outside agency authorized by law to receive such complaints.

IX. NONCOMPLIANCE

- A. Any employee or reserve officer found in violation of any provision of this General Order may be disciplined.
- B. Any employee(s) who engages in harassment of any co-worker may face civil and criminal sanctions in addition to disciplinary action. Such employee action exposes the employer to litigation in addition to the disruption and damage that is caused by such acts in the work place. Therefore, such misconduct shall be considered a serious violation and subject to severe disciplinary action up to and including discharge without regard to normal "progressive discipline" principles associated with less serious infractions.

By order of:


Michael J. Cecchini
Public Safety Director