


<b>HAVERFORD TOWNSHIP POLICE DEPARTMENT OPERATIONS MANUAL</b>		
<b>Issue Date</b> January 2023	<b>Review Date</b> January 2024	<b>Directive Number</b> <b>1.8.2</b>
<b>Accreditation Index:</b> 1.8.2		<b>Rescinds:</b> Directive 1.8.2 of February 2021
<b>Chapter:</b> One – Organization & Management Role		<b>Section:</b> Eight – Disciplinary Procedures
<b>Chief of Police:</b> <i>John F. Viola</i>		

**SUBJECT: SEXUAL AND IMPROPER HARASSMENT POLICY**

**I. PURPOSE**

The purpose of this policy is to maintain 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 harassment and discrimination. Federal law provides for the protection of classes of persons based on but are not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups.

**II. POLICY**

It is the policy of the Haverford Township Police Department that all employees have the right to work in a healthy environment free from all forms of harassment. Employees have a duty to be business-like, non-hostile, and professional to each other. This department will not tolerate, condone, or allow harassment by employees, whether sworn, civilian or volunteer, or other non-employees who conduct business with this department. This department considers harassment and discrimination of others a form of serious employee misconduct. Therefore, the department shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and discrimination. A violation of this department policy can lead to discipline, up to and including termination, with repeated violations resulting in greater levels of discipline as appropriate.  
(PLEAC 1.8.2 b)

Harassment on the basis of sex is a violation of both Section 703 of Title VII of the U.S. Civil Rights Act of 1964, and Section 5(a) of the Pennsylvania Human Relations Act of October 27, 1995 (P.L. 744) as amended (43 P.S. Section 951 et seq.) and will not be tolerated by this organization.  
(PLEAC 1.8.2)

### III. DEFINITIONS

- A. **Sexual Harassment** – Shall be defined to include, without limitation, the following types of conduct committed by elected officials, management employees, supervisors, sworn and other full time and part-time employees, or any persons conducting business or otherwise affiliated with the Township:
1. Explicitly or implicitly requiring an individual to submit to unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature as a term or condition of employment;
  2. Using submission to or rejection of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature as the basis for an employment decision affecting an individual, such as promotion, wage increase, assigned duties, shift assignment, layoff or recall, or any other condition of employment;
  3. Allowing unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature to have the effect of unreasonably interfering with an individual's work performance;
  4. Allowing or creating an intimidating, hostile, or offensive working environment by engaging in or tolerating the following types of behavior:
    - a) Unwelcome requests for sexual favors, dates or other social engagements;
    - b) Unnecessary or inappropriate touching of an employee;
    - c) Unwelcome and inappropriate use of obscene language, gestures or humor;
    - d) Inappropriate display of sexually-oriented photographs, magazines, cartoons, or other visual materials.

- B. **Unlawful Harassment** – Shall be defined as all unwelcome conduct based on but are not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups when:
1. Submission to the conduct is explicit or implicit condition of employment;
  2. Submission to or rejection of the conduct is used as the basis for an employment decision;
  3. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile work environment; or
  4. Slurs, jokes or derogatory comments are based on an individual's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. This includes verbal comments as well as written comments in e-mails, posters, memoranda, or other documents.

#### IV. PROCEDURE

- A. The Township has a “zero tolerance policy” and will not tolerate any harassment by anyone in the work environment. The Township is committed to, and is indeed responsible for, maintaining a workplace free of harassment, sexual and otherwise, from any source – elected officials, management employees, supervisors, sworn and other full time and part-time employees, vendors, contractors or any other person conducting business or otherwise affiliated with the Township – and will treat complaints fairly and evenhandedly.  
**(PLEAC 1.8.2 a)**
- B. To the extent practicable, all complaints of harassment will remain confidential. It may be necessary, however, to disclose the nature or the origin of the complaint in order to investigate it properly or to take corrective action.
- C. Responsibilities of Employees
1. All employees shall refrain from all types of harassment, sexual or otherwise at all times.
  2. Any employee who feels that he or she has been a victim of harassment is encouraged to immediately file a complaint with the Human Resources Department within fifteen (15) days identifying with reasonable particularity the reason(s) why he/she feels that he/she has been harassed.

3. In filling a written complaint, the employee is not required to disclose his/her name. The Township will investigate such an anonymous complaint as it would a signed complaint. However, while the Township will take steps to correct any improper conduct disclosed by the investigation of the complaint, the fact that the complaint is anonymous may result in there being an inadequate basis for taking formal disciplinary action.  
(PLEAC 1.8.2)
4. Any employee who complains of harassment pursuant to this policy and is dissatisfied with the resolution of the complaint may submit a written statement directly to the Township Manager.
5. If the issue is not resolved the employee may submit a written statement to the President of the Board of Commissioners.

D. Responsibilities of Management Employees

1. Management employees shall refrain from all types of harassment, sexual or otherwise at all times.
2. Within their respective areas of responsibility, all management employees are responsible for insuring that all employees have knowledge of, understand, and comply with this policy. Management employees shall take all appropriate measures to insure that harassment does not occur in the workplace.
3. Management employees and supervisors shall be vigilant to detect and eliminate all types of harassment in the workplace. Thus, if management employees observe harassment he/she shall ask the offending person(s) to immediately cease, explaining the nature of the conduct and the manner in which it is found to be offensive. The management employee shall immediately inform the Human Resources Department in writing of his/her observation and subsequent action taken.
4. If harassment continues or recurs, the management employee shall file a written report with the Human Resources Department.
5. Any immediate supervisor or management employee receiving a complaint from an employee of harassment shall refer the employee to the Human Resources Department and document the complaint was alleged and referred.
6. No management/supervisor personnel shall engage in any consensual romantic/sexual relationship with any employee in his/her direct supervisory chain of command.

E. Responsibilities of the Township Manager and Human Resources Department

1. Anytime the Township Manager or Human Resources Department receives notification of a complaint, he/she will immediately conduct a general inquiry in order to ascertain the validity of the complaint. The Township Manager may, depending on the nature of the claim, engage an outside investigator to conduct an independent investigation and provide a report summarizing his/her findings.
2. The Township Manager or his/her designee(s) shall make every reasonable effort to determine the facts and resolve the situation in an expeditious manner, usually within 15 days.

F. Retaliation Prohibited

1. No employee will be retaliated against on the basis of having asserted a complaint of harassment pursuant to this policy.
2. The Township will take all necessary steps to ensure that a person who makes a good faith complaint, or any witness who participates in an investigation, will not be retaliated against in any way, even if it is determined that the complaint is not well-founded. Anyone who feels that he or she has been the victim of, or threatened with, retaliation, should immediately inform one of the individuals identified above for purposes of receiving reports or complaints.

G. Sanctions

1. The Township of Haverford reserves the right to apply any sanctions or combination of sanctions to address harassment within the organization. Such sanctions may include:
  - a) Counseling;
  - b) Transfer;
  - c) Probation, with warning of suspension or discharge if continuing or recurring offenses;
  - d) Suspension with or without pay;
  - e) Discharge for cause.

**V. POLICE DEPARTMENT EMPLOYEES**

- A. This Directive has been issued directly from the Township Manger and applies to all employees of the Police Department. Department employees found to be in violation of this Directive may incur additional disciplinary actions as outlined in the Department’s Code of Conduct and Code of Discipline.
  
- B. While normally all matters of discipline and employee misconduct are handled through the chain of command, complaints of harassment shall be filed directly with the Human Resources Department. This procedure should minimize any problems if the offender is part of the employee’s chain of command.  
**(PLEAC 1.8.2 c)**

**BY ORDER OF THE CHIEF OF POLICE**