



SUBJECT: Bias, Harassment, and Violence Free Workplace

TO: Department Members

This Order establishes department policy and member responsibilities for the following:

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The department is committed to maintaining a work environment where there is equal opportunity for all members regardless of race, religion, color, gender or gender identity, sexual orientation, national origin, age, height, weight, marital status, familial status, disability, social or economic status, partisan considerations, genetic information, or any other category or group protected by law.

Opportunities for employment, promotion, retention, or any other personnel practice shall not be motivated by bias or based on discrimination. The department is philosophically and legally committed to fulfilling the mandates of the anti-harassment and nondiscrimination provisions of all state and federal rules and regulations, including those guaranteed by the U.S. Civil Rights Act, 42 USC 1981 et. seq.; Michigan Elliott-Larsen Civil Rights Act, MCL 37.2101 et. seq.; Persons with Disabilities Civil Rights Act, MCL 37.1101 et. seq.; U.S. Americans with Disabilities Act, Section 504 of the Rehabilitation Act, 42 USCS 12101 et. seq.; U.S. Age Discrimination in Employment Act, 29 USCS 621 et. seq.; Civil Service Rules; applicable collective bargaining and labor agreements; and Executive Orders and Directives.

12.1 COMMITMENT TO BIAS-FREE SERVICE

- A. The department acknowledges that one of its primary functions is to provide fair and impartial public safety services. All members shall provide service and enforce the law in a professional, nondiscriminatory, just, and equitable manner.
- B. Members shall act, speak, and conduct themselves at all times in a manner that treats others with courtesy and respect. Decisions and actions should not be influenced by bias, prejudice, or discriminatory intent.

- C. All members share responsibility for preventing bias in the delivery of public safety services.
- D. Members who have observed or are aware of other members who have engaged activities based on bias, prejudice or discriminatory intent shall immediately report such incidents to a supervisor, the Professional Standards Section (PSS), or the department's Equity and Inclusion Officer (EIO).
- E. Members shall not retaliate against any person who initiates or provides information or testimony related to an investigation, prosecution, internal affairs complaint, litigation or hearing related to the department or its members, regardless of whether the person's participation in the complaint is as a victim, witness, investigator, decision-maker, or reviewer.

12.2 ANTI-HARASSMENT POLICY

- A. Members have the legal right to work in an environment free from all forms of harassment. The department will not tolerate, condone, or allow harassment by members, whether sworn or civilian, permanent or contractual, or from non-members who conduct business with the department.
- B. Members shall not engage in any form of harassment, discrimination, or other conduct prohibited by this Order. A sustained allegation of harassment shall result in corrective action, up to and including termination of employment.
- C. Harassment of, or discrimination against, members based on race, religion, color, gender or gender identity, sexual orientation, national origin, age, height, weight, marital status, familial status, disability, social or economic status, partisan considerations, genetic information, or any other category or group protected by law is prohibited. Protection against such harassment and discrimination is guaranteed by [Title VII of the Civil Rights Act of 1964](#), as amended; the [Michigan Elliott-Larsen Civil Rights Act of 1976](#), as amended; the [Michigan Persons With Disabilities Civil Rights Act, 1976 PA 220](#), as amended; the [Americans with Disabilities Act of 1990](#); [Section 504 of the Rehabilitation Act of 1973](#); [Civil Service Reg. 1.03](#); and applicable collective bargaining and labor agreements.
- D. Sexual harassment can include, but is not limited to coerced sexual acts; offensive sexual flirtations; unwanted physical contact; repeated requests or pressure for "dates;" advances, propositions, insults, or verbal abuse of a sexual nature; graphic verbal comments about an individual's body; sexually degrading words describing an individual, humor or jokes about sex or gender-specific traits; or the display of sexually suggestive objects, pictures, books, or magazines.
- E. Discriminatory harassment is defined as targeting another person or persons with unwelcome advances, requests for favors, or other verbal or physical conduct or communication based on race, religion, color, gender or gender identity, sexual orientation, national origin, age, height, weight, marital status, familial status, disability, social or economic status, partisan considerations, or genetic information, where any of the following conditions exist:
 - (1) Submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of employment.
 - (2) Submission to, or rejection of, the conduct or communication is used as a factor in decisions affecting the person's employment.

- (3) The conduct or communication has the purpose or effect of substantially interfering with a person's employment or creating an intimidating, hostile, or offensive employment environment.
 - a. This definition expands the scope of discriminatory harassment to include all forms of harassment related to any of the protected classes. It is not limited to sexual harassment but expands the same prohibition and standards to instances of harassment based on race, religion, color, gender or gender identity, sexual orientation, national origin, age, height, weight, marital status, familial status, disability, social or economic status, partisan considerations, genetic information, and other harassment based on protected class status.

F. The following behaviors also constitute prohibited conduct:

- (1) Explicitly or implicitly, ridiculing, mocking, deriding or belittling, intimidating, threatening verbally or physically, or bullying any person.
- (2) Making offensive or derogatory comments to any person, either directly or indirectly, based on race, religion, color, gender or gender identity, sexual orientation, national origin, age, height, weight, marital status, familial status, disability, social or economic status, partisan considerations, genetic information, or other personal characteristics. Such harassment may be a prohibited form of discrimination under state and federal law and is considered misconduct subject to disciplinary action.
- (3) Non-verbal, suggestive, or sexually insulting actions such as leering, suggestive sounds, obscene gestures, use of department communications to download sexually explicit materials, or sending sexually implicit or explicit e-mail, voice mail, text messages, or social media.

12.3 REPORTING AND INVESTIGATING BIAS, PREJUDICE, HARASSMENT, OR DISCRIMINATION COMPLAINTS

- A. Members who personally experience, receive a report of, or observe bias, prejudice, harassment or discrimination shall immediately report such incident(s) to a supervisor, the PSS, the EIO, or the Human Resources Division commander providing all information known to them.
 - (1) Supervisors shall ensure the timely and complete review of all allegations referred to them or of allegations they should reasonably be aware of.
 - (2) Supervisors shall immediately document all allegations in a BlueTeam complaint.
- B. The EIO will assist the supervisor, or PSS if reported directly to PSS, in determining whether the reported behavior constitutes bias, prejudice, harassment, or discrimination and whether a violation of law or department policy exists.
- C. Due to the serious nature and impact of bias, prejudice, harassing and discriminatory behavior, there are certain allegations and situations that shall always be formally investigated. These include, but are not limited to:
 - (1) Touching of a sexual nature.
 - (2) Allegations between supervisors and subordinates.

- (3) Quid pro quo harassment, which is defined as, "...a form of sexual harassment in which submission to, or rejection of, sexually harassing conduct is used as the basis for employment decisions affecting the victim."
 - (4) Conduct which is so pervasive, frequent, or egregious that a hostile work environment exists, which is defined as, "...a form of sexual harassment in which the sexually harassing conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment, and causes undue stress or fear for the employee."
 - (5) Allegations of discriminatory harassment based on any protected class status (e.g., race, color, sex, religion, national origin, height, weight, marital status, genetic information, partisan considerations), as described by state and federal law, that result in an adverse employment action with regard to a term, condition, or privilege of employment.
- D. All bias, prejudice, discrimination, or harassment investigations shall be conducted according to the Department of Civil Service Guidelines, the department's Internal Affairs process outlined in Official Order 1, Article 5, Enclosure 1, and applicable collective bargaining and labor agreements.
 - E. Once completed, the PSS shall provide the EIO with a copy of the investigation.

12.4 CIVIL RIGHTS COMPLAINTS

- A. Civil rights complaints filed directly with the department:
 - (1) Complaints that a member violated an individual's civil rights shall be accepted by the member that the complaint is made to and that member shall ensure the complaint is immediately reported via BlueTeam to the PSS.
 - (2) The PSS shall review and investigate the civil rights complaint in accordance with Official Order No. 1, Article 5, Enclosure 1.
 - a. Once complete, the civil rights complaint investigation shall be forwarded to the EIO for review.
- B. Civil rights complaints initiated by the Michigan Civil Rights Commission (MCRC), the Michigan Department of Civil Rights (MDCR), or the federal government:
 - (1) The MCRC, MDCR, and the federal government accept complaints of civil rights violations. These entities may conduct an investigation or defer the investigation to the department.
 - (2) Once a civil rights complaint from the MCRC, MDCR, or the federal government is reported to the department, an internal investigation shall be conducted by the PSS and coordinated through the EIO.
- C. Civil rights investigations conducted by the MCRC, MDCR, or the federal government:
 - (1) Members may be interviewed by state or federal investigators.
 - (2) These interviews shall be held during member's regular workday in an on-duty status.
 - (3) The interview shall be conducted in the presence of the EIO.

- (4) A record of the meeting shall be placed in an incident file maintained by the EIO.
- (5) At the discretion of the Human Resources Division commander and in compliance with the appropriate collective bargaining or labor agreement, the member's representative may attend the interview.
- (6) If the MDCR requests a conciliation conference, the EIO shall attend. The involved member(s) may also be required to attend.

12.5 VIOLENCE IN THE WORKPLACE

- A. Members shall not engage in workplace violence.
- B. Workplace violence is any act or threat of physical violence, harassment, intimidation, or other threatening or disruptive behavior that occurs at the work site. It includes, but is not limited to:
 - (1) Intentionally striking or otherwise causing physical injury or bodily harm to another member or a member of the general public or causing or urging others to engage in such activity.
 - (2) Engaging in any verbal/physical threatening or assaultive behavior directed toward another member, or a member of the general public, or causing or urging others to engage in such activity.
 - (3) Engaging in a willful course of conduct involving physical/verbal harassment toward another member or member of the general public that would cause a reasonable person to feel terrorized, frightened, intimidated, harassed, or molested.
 - (4) Statements, expressions, or actions, whether written, verbal, or visual, which threaten, provoke, encourage, suggest, or advocate violence in the workplace.
- C. The member against whom any act of violence is offered, need not be aware of the offer, nor fear or believe that the action will be carried out for the act to be considered workplace violence.
- D. The above-listed prohibitions are not intended to apply to enforcement members who may be called upon, in the performance of their law enforcement duties, to use reasonable force to make a lawful arrest.
- E. Members who personally experience, receive a report of, or observe workplace violence shall immediately report such incident(s) to a supervisor, the PSS, the EIO, or the Human Resources Division commander providing all information known to them.
 - (1) Supervisors shall ensure the timely and complete review of all allegations referred to them or of allegations they should reasonably be aware of.
 - (2) Supervisors shall immediately document all allegations in a BlueTeam complaint.
 - (3) The EIO or Human Resources Division commander shall ensure all allegations made directly to him or her are referred to the PSS.
 - (4) The PSS shall review and investigate allegations of workplace violence in accordance with Official Order No. 1, Article 5, Enclosure 1.

12.6 REVISION RESPONSIBILITY

Responsibility for continuous review and revision of this Order lies with the Human Resources Division, in cooperation with the Executive Operations.

DIRECTOR