

## HARASSMENT POLICY

The Department of State Police prohibits any form of harassment of or by its members. All members have a legal right to work in an environment free from harassment and discrimination. It is the policy of the department that members who engage in acts of harassment, who permit members under their supervision to engage in such harassment, or who retaliate or permit retaliation against an individual who, in good faith, reports harassment or cooperates with an investigation of harassment, are guilty of misconduct and shall be subject to discipline, up to and including, discharge. The Department will not tolerate, condone, or allow harassment by employees, whether sworn or civilian, permanent or contractual, or other non-employees who conduct business with this agency.

Harassment is a form of discrimination that is prohibited by Title VII of the Civil Rights Act of 1964, as amended; the Michigan Elliott-Larsen Civil Rights Act of 1976, MCL 37.2101 et. seq.; the Michigan Persons With Disabilities Civil Rights Act of 1976, MCL 37.1101 et. seq.; the Americans with Disabilities Act; Section 504 of the Rehabilitation Act; Civil Service Regulation 1.03; and applicable collective bargaining and labor agreements.

### 1. Discriminatory Harassment

- A. Discriminatory harassment means unwelcome advances, requests for favors, and other verbal or physical conduct or communication based on religion, race, color, national origin, age, sex, height, weight, marital status, partisan consideration, disability, or genetic information under any of the following conditions:
  - (1) Submission to the conduct or communication is made a term or condition, either explicitly or implicitly, to obtain 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.
- B. This definition augments the scope of "discriminatory harassment" to include all forms of harassment in any of the protected classes as described by Title VII of the Civil Rights Act of 1964, and Michigan's Elliot-Larsen Civil Rights Act. The purpose of this change is to expressly prohibit workplace harassment or discrimination based on any of the protected classes, not just "sexual harassment." This policy does not alter or diminish the prohibition against "sexual harassment" but rather expands the same prohibition and standards to instances of "religious harassment," "racial harassment," "disability harassment," and other protected classes.

### 2. Prohibited Conduct

- A. No employee shall either explicitly or implicitly ridicule, mock, deride or belittle, intimidate, threaten verbally or physically, or bully any person.
- B. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on religion, race, color, national origin, age, sex, height, weight, marital status, partisan consideration, disability, genetic information, or other characteristic. Such harassment is a prohibited form of discrimination under state and federal employment law and/or is considered misconduct subject to disciplinary action by this agency.

### 3. Sexual Harassment

- A. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a physical nature.
- B. There are two forms of sexual harassment:
  - (1) Quid Pro Quo Harassment is 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.
  - (2) Hostile Environment Harassment is 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.
- C. Sexual harassment occurs when:
  - (1) Submission to such conduct or communication is made either explicitly or implicitly a term or condition of employment;
  - (2) Submission to or rejection of such conduct or communication is used as the basis for decisions affecting an individual's employment; or
  - (3) Such conduct or communication has the purpose or effect of creating an intimidating, hostile, or offensive work environment which causes the individual discomfort or humiliation, or interferes with the individual's work performance.
- 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. Prohibited conduct also includes non-verbal, suggestive, or sexually insulting actions such as leering, suggestive sounds, obscene gestures, use of department communications to download sexually explicit materials off the internet, or sending sexually implicit or explicit e-mail or voice mail messages.
- E. Harassment or discrimination has a devastating effect. It undercuts self-esteem, self-confidence, job satisfaction, and one's right to function effectively as a worker. Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance and causes undue stress or fear for the individual shall not be tolerated. Preventing harassment and discrimination is a shared responsibility between the department and employees. Managers and supervisors are responsible for the recognition and prevention of harassment and discrimination in the workplace and are required to cause or conduct an investigation when appropriate. Employees have a corresponding obligation to make a reasonable effort to avoid harm to themselves by reporting harassment or discrimination. Members are, therefore, encouraged to report acts of harassment and discrimination. The Equal Employment Opportunity Officer shall provide guidance upon request.
- F. All complaints of harassment shall be investigated thoroughly and in a timely manner in accordance with procedures detailed in Official Order No. 12. Confidentiality and privacy shall be protected to the extent provided by law.