

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

<i>Effective Date</i> February 1, 2008		<i>Amended Date</i> August 22, 2015		<i>Directive</i> 2.11.1	
<i>Subject</i> Sexual and Other Unlawful Harassment					
<i>Reference</i>					
<i>Distribution</i> All Personnel City Manager City Attorney		<i>TPCA Best Practices Recognition Program Reference</i> 2.11.1 Sexual and Other Unlawful Harassment		<i>Review Date</i> June 17, 2023	
				<i>Pages</i> 4	

This Operations Directive is for internal use only and does not enhance an officer’s civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.

SECTION 1 PURPOSE

The purpose of this policy is to state the Department’s commitment to prevent all employees from engaging in ethnic, racial, sexual, and religious harassment.

SECTION 2 POLICY

The Texarkana, Texas Police Department and the City of Texarkana, Texas strictly prohibit ethnic, racial, sexual, and religious harassment in any form including, but not limited to, verbal, visual, physical or written. All employees are offered the right to work in an environment free from any such harassment.

In addition, the Texarkana, Texas Police Department and the City of Texarkana, Texas shall enforce any and all rules necessary to protect its employees from harassment or acts which could result in workplace violence. This provision shall include measures for not only protecting City employees from the violent acts of other City employees, but from any person who may have access to City buildings, property, etc.

SECTION 3 PROCEDURES

A. DEFINITIONS

1. Sexual Harassment – The threat or insinuation to an employee, either explicitly or implicitly, that his/her refusal to submit to sexual advances will adversely affect his/her employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development; or subjecting an employee to unwelcome sexual overtures or conduct, either verbal or physical, so as to create an intimidating, hostile, or offensive working environment. This could include displays, pictures, publication, conduct, or comments of a sexual nature.
2. Workplace Violence – Any act(s) which represents a hazard to employees through the potential of it causing serious physical harm and/or death to an employee(s).

B. GENERAL PROCEDURES

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1. The City of Texarkana, Texas shall enforce all necessary guidelines and regulations in an effort to render its workplace free of any recognizable hazard which has caused or is likely to cause death or serious physical harm to an employee or any other person who may enter the premises.
2. Employees shall not participate in any form of harassment against a fellow employee or citizen.
3. Employees who feel they are being harassed or discriminated against because of race, ethnicity, sex, or national origin may directly contact the Chief of Police to discuss the matter and, if necessary, file a complaint. The chain of command does not apply in these situations. All discussions shall be confidential. All complaints shall be investigated as quickly and thoroughly as possible. The investigation of such complaints will be carried out according to the City of Texarkana, Texas Personnel Policy Chapter 6, Employee Conduct, Directive 6.07 Harassment and Discrimination.
4. Any and all allegations of harassment of any kind, as well as the potential for violence in the workplace, shall be thoroughly investigated by the Director of Human Resources. All information gathered will be held in the strictest of confidence and will result in disciplinary action up to and including termination, when appropriate. The City of Texarkana, Texas prohibits any retaliatory action(s) against anyone who has complained, in good faith, about harassment or the threat of violence in the work place. These guidelines shall be followed in all cases, except where inconsistencies occur for Civil Service employees with regard to Chapter 143 of the Local Government Code.

C. PROCEDURE FOR REVIEW OF HARASSMENT/ VIOLENCE COMPLAINTS

1. It shall be the responsibility of the Director of Human Resources or his/her designee to coordinate and direct the investigation and review of harassment complaints or complaints of violence or the threat thereof. The following procedures shall apply to the receipt, review, and handling of such complaints and are to be applied under the guidance and consultation of the Director of Human Resources. Any employee who believes that he/she has been the subject of harassment or the victim of threats or acts of violence is encouraged to report it immediately in accordance with the procedures outlined herein. All information disclosed will be held in the strictest of confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the situation.
2. An employee believing they have been subjected to sexual harassment or any other form of harassment are encouraged to tell the offending party that the behavior is offensive and it should be immediately stopped. If the speech or conduct is repeated, or if it is so severe that it requires immediate action, the employee should explain the problem to their supervisor or the Chief of Police immediately. The employee may report the incident(s) directly to the Director of Human Resources. The complaint will be investigated immediately and thoroughly, and the appropriate supervisor will ensure that corrective action is taken. It is essential that the complaint be presented promptly, within 24 hours of the occurrence if possible. Prompt reporting enables those in City leadership to honor their commitment to take prompt and appropriate corrective action.
3. A supervisor who receives a complaint, or who otherwise becomes aware of possible sexual harassment or any other form of harassment must immediately advise their Department Head, who will notify the Director of Human Resources. The Director of Human Resources will advise the City Manager promptly of all claims of sexual harassment or other forms of harassment, and will keep the City Manager apprised of the results of the investigation and the corrective action taken. An employee making a good-faith complaint of sexual harassment or any other form of harassment will be protected against retaliation of any kind.

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4. Within three (3) work days after receiving the complaint in writing, the respondent (the accused) will be contacted by the Director of Human Resources and apprised of the allegations made against him/her.
5. The respondent will have the opportunity to refute the allegation(s) by responding, in writing, within (5) work days. The respondent will also have the opportunity to respond to any other new information/allegations that may arise during the course of the investigation.
6. The Director of Human Resources will conduct a full investigation of the allegation(s) made. This will include interviews with the complainant, the respondent, and all witnesses (when necessary). Signed statements will be requested.
7. Within five (5) work days of the conclusion of the investigation, the Director of Human Resources will provide all documentation with a summary of conclusion regarding the validity of the complainant's allegation(s).
8. The decision regarding any possible disciplinary action will be made by the Department Head within five (5) work days of receiving the findings from the investigation. This decision will be made after the Department Head has conferred with the City Attorney and the Director of Human Resources. If additional time is needed (up to ten days), the request will be made to the Director of Human Resources, in writing. Both the complainant and the respondent will be notified of any such delay.
9. A complainant may withdraw a complaint at any time. However, the City may still pursue an investigation and determine whether disciplinary action is warranted.
10. If the validity or falsification of the offense cannot be satisfactorily established, the Department Head, along with the appropriate supervisory personnel, shall decide on action which is in the best interest of the City, minimizes interference of departmental operations, and/or allows for the respondent and complainant to continue their work routines with minimal personal consequence/contact.
11. Findings which validate the allegation(s) made shall result in counseling, transfer, suspension, and/or termination.
12. Following issuance of the investigative finding(s), the appeal procedure, as outlined in the City of Texarkana, Texas Personnel Policy Chapter 6, Employee Conduct, shall be in effect.
13. Civil Service employees will be investigated and receive any possible disciplinary action in accordance with Civil Service Rules and Regulations.

D. TRAINING

All personnel will receive training designed to prevent any occurrences of sexual or other unlawful harassment. All training will be properly documented in the department's training records.

E. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.

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2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.