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# KANSAS CITY, KANSAS POLICE

## GENERAL ORDER

ORDER NUMBER: 20.05  
ISSUED DATE: 07/08/2016  
EFFECTIVE DATE: 07/15/2016  
RESCINDS: 20.05 Issued 02/17/2012

SUBJECT: Equal Employment Opportunity Guidelines;  
Harassment and Discrimination Prohibited

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REFERENCE: CALEA [Ch. 31](#)

CROSS REFERENCE:

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#### I. PURPOSE

A. The Department seeks to familiarize Department personnel with the policy and procedures for resolving complaints of alleged discrimination based upon an employee's, or prospective employee's race, color, sex, religion, age, disability, pregnancy, ancestry, or national origin. The Police Department seeks to promote a diverse and productive work environment, and will not tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment based upon an individual's race, color, sex, religion, age, disability, pregnancy, ancestry, or national origin.

#### II. DEFINITIONS

- A. Employee – All personnel.
- B. Sexual Harassment – Any form of unwelcome conduct of a sexual nature in the workplace that is directed at or affects an individual of either sex or that has an adverse effect on the affected individual. Examples of conduct that, if unwelcome and resulting in an adverse effect, may constitute sexual harassment include but are not limited to:
1. Sexual advances, propositions, or flirtations;
  2. Requests or pressure of any kind for sexual favors, activities, or contact;
  3. Sexually explicit, graphic, abusive, degrading, intimidating, or offensive jokes;
  4. Physical contact or touching of a sexual nature, including physical or sexual assault; and
  5. Display, circulation, or communication of any sexually suggestive, explicit, graphic, or offensive objects, pictures, or materials of any kind.
- C. Other Forms of Harassment -- offensive conduct directed at or affecting an individual that has an adverse effect on the affected individual, when such conduct is based on race, color, sex, religion, age, disability,

pregnancy, ancestry, or national origin. This includes but is not necessarily limited to:

1. Either explicitly or implicitly ridiculing, mocking, deriding, or belittling any person, based upon their race, color, sex, religion, age, disability, pregnancy, ancestry, or national origin.
  2. Making offensive or derogatory comments to any person, either directly or indirectly, based upon their race, color, sex, religion, age, disability, pregnancy, ancestry, or national origin.
- D. Unwelcome Conduct – Conduct, as defined in II B and C of this order, if the individual subjected to it did not solicit or incite it, and regards it as undesirable or offensive.
- E. Adverse Effect – Unwelcome, harassing conduct will be considered to have an adverse effect if:
1. Submission to such conduct is explicitly or implicitly made a term or condition of an individual's employment;
  2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions of any kind affecting such individual; or
  3. Such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, abusive, or offensive work environment, even if it results in no adverse job consequences.
- F. Hostile Work Environment – Acts of aggression or violence, that occur in, or are related to the workplace, whether intentional or reckless, including assaults, threats, disruptive, aggressive, hostile, verbal or emotionally abusive behaviors that generates fear for one's safety or entails a perceived risk of harm to individuals, or damage to an organization's resources or capabilities.

#### III. POLICY

- A. It is the policy of the Department not to discriminate against any employee or applicant for employment because of race, color, sex, religion, age, disability, ancestry, or national origin. Employees are expected to maintain a productive work environment that is free from harassment. Harassment based upon race, color, sex, religion, age, disability, pregnancy, ancestry, or national origin will not be tolerated.
- B. All employees have the right to work in an environment free of these forms of harassment and discrimination. The Department will not tolerate, condone, or allow discrimination or harassment by employees, whether sworn (regular or reserve), civilian, volunteer, or other non-employees who conduct business with the Department. Harassment of and discrimination against others is serious employee misconduct. Therefore, the Department will take direct and immediate action to prevent such behavior, and to remedy all reported

instances of harassment and discrimination. Violation of this policy will result in disciplinary action up to and including termination.

1. This policy not to discriminate in employment includes, but is not limited to:
    - a. Evaluating the skills, education, and experience of applicants
    - b. Promoting, upgrading, demoting, transferring, and laying off of employees;
    - c. Recruiting, advertising, or soliciting for employment;
    - d. Training during employment and selecting for training and apprenticeship programs; and,
    - e. Establishing rates of pay and terms, conditions, and privileges of employment.
  2. No employee shall aid, abet, compel, coerce, or conspire to discriminate or harass another employee because of race, color, sex, religion, age, disability, pregnancy, ancestry, or national origin.
  3. Prohibited Activity: Harassment, as defined in section II of this order, will not be tolerated. Such behavior is prohibited by federal and state law, and is also considered misconduct subject to disciplinary action by the Department.
  4. All Department programs shall be offered in a non-discriminatory manner.
- C. The Department encourages employees to report any incident(s), involving themselves or others, of unequal treatment or unequal terms and conditions of employment, harassment, a hostile working environment, or discrimination based upon an employee's, or potential employee's, race, color, sex, religion, age, disability, pregnancy, ancestry, or national origin.
- D. Reasonable accommodations will be made for the physical and mental limitations of applicants and employees, consistent with the qualifications required for the essential functions of the position.
- E. The Department shall follow applicable federal, state, and local laws and rules and regulations for the protection of the rights of applicants and employees.
- F. The Department will use for job referral purposes only those agencies that do not discriminate. The Department will place advertisements announcing open positions in local newspapers of general and limited circulation in such a manner that vacancy information is readily available to minority populations. (See General Order 30.05 Recruiting and Selection.)
- G. Each Supervisor and Manager has a responsibility to keep the workplace free of harassment.
- H. Nothing in this policy is intended to circumscribe or modify the right of the Department to:
1. Direct the work of its employees
  2. Hire, promote, demote, transfer, assign, and retain any employee:
  3. Suspend or discharge employees;

4. Maintain the efficiency of agency operation
  5. Relieve employees from duties because of lack of work or for other legitimate reasons
  6. Take such actions as may be necessary to carry out the mission of the Department in emergencies; and
  7. Determine the methods, means and personnel by which operations are to be conducted.
- I. Equal Employment Opportunity (EEO) Compliance Officer - The Chief of Police will appoint a sworn member of the Department to serve as the EEO Compliance Officer. The Compliance Officer will develop, monitor, and evaluate the Department's Affirmative Action and Equal Employment Opportunity plan. The Compliance Officer will be afforded the opportunity to attend training sessions, conferences, and seminars in order to be adequately prepared to carry out the duties of the position.

#### IV. COMPLAINT AND INVESTIGATION PROCEDURES

- A. Employees may report or relate concerns regarding discrimination or harassment to an EEO Compliance Officer, or to any Supervisor or Manager in the Unified Government, including but not limited to their Unit/Division Commander, Bureau Director, and the Chief of Police, without regard to the chain of command and without fear of retaliation. All complaints and concerns reported under this policy shall be expeditiously investigated.
- B. No complainant may be required to make any report in writing.
- C. Any Supervisor, Commander, or Director, upon receiving a written or oral complaint, allegation or any notice whatsoever of discrimination or harassment in the workplace as defined in section II of this order, or of retaliation for reporting discrimination or harassment, as defined in section II of this order, shall provide written notice of the complaint, allegation or notice to the EEO Compliance Officer and the Chief of Police within one business day.
1. When appropriate, a Supervisor, Commander, or Director may take immediate positive action, including the issuing of discipline if necessary, to resolve the complaint.
  2. The written notice will be provided to the Chief and the Compliance Officer regardless of the Supervisor's, Commander's, or Director's opinion of the relative merits of the claim. The written notice will include whether the submitting person believes the matter is resolved by positive action, and if so it will explain what action has been taken to resolve the matter to the satisfaction of the complainant.
  3. Failure to make a written report of an allegation, complaint, or notice is in violation of this directive and shall subject the Supervisor, Commander, or Director to discipline.
- D. The Compliance Officer, upon receipt of written notice from a Supervisor, Commander, or Director, or upon personally receiving an oral or written complaint, allegation, or notice of workplace discrimination or harassment, will immediately open and maintain a file regarding the matter and advise the Chief of Police. If the submitting person indicates in the written notice that the matter has been resolved to the complainant's

satisfaction through positive action, the EEOC Compliance officer will immediately contact the complainant to verify that they are satisfied with the Supervisor's actions and that the matter is resolved. The Chief of Police will then determine:

1. If the matter has been resolved through positive action;
  2. If the EEOC Compliance Officer should obtain more information;
  3. If the matter will be referred to Internal Affairs Unit as an administrative special investigation; or
  4. If the matter will be referred to an outside agency for investigation.
  5. The Chief of Police will notify the Human Resources Department in writing of the nature of the allegation(s) and his or her recommendation for investigation.
- E. At the discretion of the Chief, the Internal Affairs Unit will expeditiously investigate the allegation as an administrative special complaint. Any investigation will be initiated and completed in a timely manner.
1. The Internal Affairs Investigator will take statements from the complainant or alleged subject of discrimination or harassment, those persons accused of improper acts or discrimination, any witnesses and any other persons thought to possess relevant information.
  2. The Internal Affairs Unit will, at their sole discretion, request written and/or oral reports from any of those persons listed above, except that no complainant will be required to make a written statement if unwilling to do so.
  3. When a complainant refuses to provide a written statement, the investigator(s) will utilize another method of documenting and preserving the statement.
  4. All employees, including but not limited to Supervisors, Commanders, and Directors, will fully cooperate with the administrative investigation.
  5. Failure to cooperate with an investigation is a violation of this policy and will subject the violator to discipline.
- F. Upon completion of the investigation, the investigator(s) will submit written findings to the Chief of Police. The Chief of Police, at his or her discretion, will consult with and may refer any outstanding issues to legal counsel, Human Resources, the Compliance Officer and/or the appropriate Bureau Director.
- G. The Chief of Police will determine what appropriate action will be taken, if any is required.
1. Appropriate action may include, but is not limited to, remedial action, training or education, managerial or supervisory action, and/or disciplinary action up to and including termination.
  2. The Chief of Police will direct the appropriate Director and the Compliance Officer to carry out any appropriate action to be taken. After implementation, the Compliance Officer will notify the complainant of the resolution.
3. After appropriate action has been fully completed, the Compliance Officer will make a final follow-up report to the Chief of Police, assessing the situation after resolution and recommending any further action, if needed.
- H. If the complaint or allegation is in regard to the conduct of the EEO Compliance Officer or a Bureau Director, the employee who receives the complaint or allegation will immediately notify the Chief of Police, who will ensure that appropriate steps are taken.
- I. If the complaint or allegation is against the Chief of Police, then the Compliance Officer, Human Resources and the County Administrator will be notified, and persons from outside of the Police Department will be solicited to conduct the investigation. The investigators in such a case will present a finding of fact to the County Administrator, who will determine appropriate action.
- J. This policy will be distributed to all Department employees and all new hires at the initiation of their employment.
- K. Employees who believe that they have been discriminated against or harassed on the basis of race, color, sex, religion, age, disability, pregnancy, ancestry, or national origin may elect not to utilize this procedure, but instead may elect to file a complaint with the Kansas Human Rights Commission (KHRC) or the Equal Employment Opportunity Commission (EEOC).
- L. As part of an employee's annual/semiannual performance evaluation, supervisors will review the productive work environment advisory section with the employee. The employee will mark the appropriate boxes and initial their selection on the evaluation form.
- M. Any employee who believes that a Supervisor's, Commander's, Director's, or other employee's actions or words constitute workplace harassment or discrimination has a responsibility to report the situation as soon as possible.
- N. Retaliation against any employee for filing a complaint or participating in an investigation is strictly prohibited.