



Rhode Island State Police General Order - 27A

<i>Section:</i>	Administration - Personnel
<i>Article:</i>	27 - Conditions and Benefits
<i>Title:</i>	Prohibition Against Harassment, Violence and/or Discrimination
<i>Special Instructions:</i>	

I. PURPOSE

In accordance with Title VI and Title VII of the Civil Rights Act of 1964 42 U.S.C. § 2000d et seq. and RIGL 28-5.1 titled Equal Opportunity and Affirmative Action, this policy establishes guidelines for maintaining an environment free from all forms of threats of violence, intimidation, bullying, illegal harassment and discrimination.

II. DEFINITIONS

- A. **DISCRIMINATION:** Unlawful actions based on a legally protected status such as a refusal to hire any applicant for employment or to discharge an employee or discriminate against him or her with respect to hire, tenure, compensation, terms, conditions or privileges of employment, or any other matter directly or indirectly related to employment because of his or her race or color, religion, sex, disability, age, sexual orientation, gender identity or expression, income-status, limited English proficiency (LEP) or country of ancestral origin (other than in accordance with legal bona fide occupational qualifications); or to take any similarly discriminatory actions in connection with any individuals that employees come into contact with during the course of their employment.
- B. **HARASSMENT:** A form of discrimination that includes unwelcome conduct, such as offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, based on race or color, religion, sex, disability, age, sexual orientation, gender identity or expression, income-status, limited English proficiency (LEP) or country of ancestral origin (other than in accordance with legal bona fide occupational qualifications) when:
1. submission to such conduct, advances or requests are made either explicitly or implicitly as a term or condition of employment or as a basis for employment decisions; or,
 2. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

C. SEXUAL HARASSMENT:

Any unwelcome sexual advances, requests for sexual favors, or any other verbal or physical conduct of a sexual nature when:

1. submission to such conduct, advances or requests are made either explicitly or implicitly as a term or condition of employment or as a basis for employment decisions; or,
2. such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

Other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- ⇒ Unwelcome sexual advances -- whether they involve physical touching or not;
- ⇒ Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- ⇒ Displaying sexually suggestive objects, pictures, cartoons;
- ⇒ Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- ⇒ Inquiries into one's sexual experiences; and,
- ⇒ Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Division.

- D. **DISCRIMINATION ON THE BASIS OF DISABILITY:** No otherwise qualified person with a disability shall, solely based on disability, who with reasonable accommodation and with no major cost can perform the essential functions of the job in question, be subjected to discrimination in employment. No qualified individual with a disability, nor any individual or entity because of a known relationship or association with an individual with a disability shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations or be excluded from participation in or be denied the benefits of the services, programs, or activities of, or be subjected to discrimination.
- E. **ASSAULT:** Any willful attempt to inflict injury upon another when coupled with the apparent ability to do so. Actual touching, or striking, or doing bodily harm to another is not required; the mere attempt constitutes an assault.
- F. **BATTERY:** The intentional and wrongful physical contact with a person without that person's consent, or without legal authority to do so, that entails some injury or offensive touching. The willful attempt to use force to touch another is an assault; the actual touching is battery.
- G. **THREAT OF VIOLENCE:** A threat of violence is any act of aggression or a statement, which objectively could be perceived as intent to cause harm to an employee in State government. Threatening behavior includes any behavior that could be interpreted by a reasonable person as intent to cause physical harm to another individual. Threatening behavior may, or may not, include the actual act of physical force, with or without a weapon, toward another individual. Threatening behavior may be verbal or non-verbal.
- H. **VIOLENT ACTS:** Any act that is an assault, a battery, or the destruction/damage of physical property.
- I. **BULLYING:** Abuse and mistreatment of someone vulnerable by someone stronger or more powerful whether online or in person through written documentation or in any other form.
- I. **FORMAL ACTION:** The process and guidelines established in the Division's Internal Investigation Procedure/Policy.
- J. **INFORMAL ACTION:** A documented verbal warning.

III. POLICY

It is the goal of the Division of State Police to promote an environment that is free of harassment, discrimination and violence. Employees shall not discriminate against or harass other individuals because of race, creed, color, national origin, sex, sexual orientation, gender identity or expression, age or any sensory, mental or physical disability or any other legally protected status. This is consistent with the public policy of the State of Rhode Island to foster the employment of all individuals in this state in accordance with their fullest capacities, regardless of their race or color, religion, sex,

sexual orientation, gender identity or expression, disability, age, or country of ancestral origin, and to safeguard their right to obtain and hold employment without such discrimination. All employees shall render service to the citizens of this state without discrimination based on race, color, religion, sex, sexual orientation, gender identity or expression, age, national origin, or disability. No state facility shall be used in furtherance of any discriminatory practice nor shall any state agency become a party to any agreement, arrangement, or plan which has the effect of sanctioning those patterns or practices.

Sexual harassment and other unlawful harassment or discrimination of employees or violence occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by the Division.

Further, any retaliation against an individual who has complained about sexual harassment and other unlawful harassment or discrimination or violence in the workplace or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint or any other complaints pertaining to other unlawful harassment or discrimination or is similarly unlawful and will not be tolerated. To achieve the goal of providing an environment free from sexual harassment, harassment, discrimination, and violence, the conduct that is described in this policy will not be tolerated and a procedure is provided by which inappropriate conduct will be dealt with, if encountered by employees.

The Division will respond promptly to allegations of sexual harassment and other unlawful harassment, discrimination or violence. Where it is determined that such inappropriate conduct has occurred, prompt action will be taken to eliminate the conduct and corrective action as is necessary will be imposed, including disciplinary action where appropriate.

IV. RESPONSIBILITIES

A. Executive Administrative Officer

1. The Executive Administrative Officer shall serve as the Equal Opportunity Employment Officer (EEO) and the Title VI Program Coordinator for the Rhode Island State Police.
2. The Executive Administrative Officer shall coordinate with the OIC - Professional Standards and be involved in the complaint process in include:
 - a. Initial determination as to whether the complaint falls under Title VI;
 - b. Whether complaint will be investigated;
 - c. Review of the investigative Plan;

d. Disposition of the complaint.

B. OIC – Professional Standards

1. In accordance with GO 3C “Internal Investigation Procedures/Policy”, the OIC – Professional Standards shall be responsible for investigating all complaints of harassment, violence or discrimination involving Division members.
2. The OIC- Professional Standards is required to advise reporting parties to monitor for and report any retaliatory actions allegedly taken either during or after the complaint process.
3. The OIC – Professional Standards shall maintain a log of all allegations of harassment, violence or discrimination involving Division members to include disposition of investigation.
4. The OIC- Professional Standards shall conduct an annual, documented analysis of these reports for submission to the Executive Administrative Officer.

C. Supervisors

1. Individual supervisors are responsible for reporting and/or handling incidents involving threats of violence, intimidation, bullying, illegal harassment and discrimination in the workplace where the supervisor knows or should have known of the incident by nature of his/her supervisory position.
2. Any supervisor who fails to take corrective action is subject to discipline by the Division.
3. It is the responsibility of all supervisors to establish and maintain a working environment that is free from discriminatory intimidation, ridicule, insult and violence.

V. PROCEDURES

26.1.3

A. EMPLOYEE REPORTING - If an employee, either sworn or civilian, feels that he/she has been the victim of or feels they have witnessed threats of violence, intimidation, bullying, illegal harassment or discrimination in the workplace, he/she shall make a complaint either to their supervisor, to the Director of Human Resources or directly to the OIC- Professional Standards. This complaint shall be made utilizing the Citizen Complaint Form and procedures as outlined in GO 3C “Internal Investigation Procedure/Policy”.

26.1.3

1. In such cases, as set out above, the chain of command is not required to be utilized to initiate such a complaint.

2. Reporting parties shall report any retaliatory actions allegedly taken either during or after the complaint process to their supervisor, to the Director of Human Resources or directly to the OIC- Professional Standards.

B. PUBLIC REPORTING - If a member of the public feels that he/she has been the victim of or feels they have witnessed threats of violence, intimidation, bullying, illegal harassment and discrimination by a Division employee, he/she may make a complaint directly to the OIC- Professional Standards utilizing the Citizen Complaint Form and procedures as outlined in GO 3C "Internal Investigation Procedure/Policy".

VI. STATE & FEDERAL EMPLOYMENT DISCRIMINATION AGENCIES

Using this complaint process does not prohibit you from filing a complaint with the governmental agencies set forth below:

The State of Rhode Island, Equal Opportunity Office
One Capitol Hill
Providence, RI 02908
Telephone: 401-222-3090
TTY: Relay 711/Fax: 401-222-2490

The Rhode Island Commission for Human Rights
180 Westminster Street, #201
Providence, Rhode Island 02903
Telephone: (401) 222-266/TTY/Voice: (401) 222-2664

The United States Equal Employment Opportunity Commission (EEOC)
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Telephone: 1-800-669-4000

VII. PROVISIONS

- A. All Division employees will be familiarized with this General Order during recruit training or new employee orientation.
- B. This General order shall be available, upon request, to any employee and to any state or federal employment discrimination enforcement agency.

- C. It shall be considered a violation of this policy to perform or have performed, any retaliatory act against a person filing a report of threats of violence, intimidation, bullying, illegal harassment and discrimination in the workplace and/or against the alleged perpetrator in a threat of violence, intimidation, bullying, illegal harassment and discrimination in the workplace complaint.
- D. Any person found to be in violation of this policy shall be subject to Division charges including, but not limited to, a verbal warning, a written warning, or other disciplinary action to include termination, consistent with the applicable provisions of the collective bargaining agreements or state personnel rules for sworn and civilian employees and the Rhode Island Police Officers' Bill of Rights for sworn employees.
- E. It is an unlawful employment practice for an employer, when an employee has presented to the employer an internal complaint alleging harassment or on the basis of race or color, religion, sex, disability, age, sexual orientation, gender identity or expression, income-status, limited English proficiency (LEP) or country of ancestral origin or any other legally protected status, to refuse to disclose in a timely manner in writing to that employee the disposition of the complaint, including a description of any action taken in resolution of the complaint; provided, however, no other personal information shall be disclosed to the complainant.
- F. R.I.G.L. Title 28-52 is the Workplace Violence Protection Act. Pursuant to the Act, if an employer, an employer's employee or invitee have suffered unlawful violence by an individual, or received a threat of violence by an individual which can reasonably be construed as a threat which can be reasonably be carried out at the worksite or been stalked or harassed at the worksite, the employer may in addition to or instead of filing criminal charges, may seek a temporary restraining order, a preliminary injunction or an injunction prohibiting further unlawful acts by the individual.



By Order of Colonel Assumpico

Ann C. Assumpico
Colonel
Superintendent