

**MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY  
LAW ENFORCEMENT COMMITTEE**

**RESOURCE MATERIALS RELATING TO  
SEXUAL HARASSMENT/POLICY  
MODEL POLICY**

**FARMINGTON DEPARTMENT OF PUBLIC SAFETY**

PURPOSE

To maintain a quality working environment for all employees or potential employees of this department so that they may work free from intimidation, humiliation, insult or subjected to offensive physical or verbal abuse or actions, direct or insinuated, of a sexual, ethnic, racial or religious nature, the \_\_\_\_\_ adopts the following order against all forms of sexual, ethnic, racial, religious harassment or otherwise defined as unwanted conduct.

STATEMENT/PROCEDURE

Sexual, ethnic, racial and religious harassment is an offense first against this department and second an offense against the employee or group of employees. Offenses refer to physical, verbal or implied actions that have the purpose or effect of creating a hostile, offensive or intimidating working environment or have an ethnic, racial, religious or sexual basis, or both. Examples would include but are not limited to: physical contact of a sexual nature; sexual, racial, ethnic or religious jokes, comments, insults, cartoons, innuendos or personal conduct or mannerisms that could be construed as offensive.

It is this department's position to take affirmative action to prevent such unwanted conduct from occurring and to deal with all such incidents in a fair, impartial, and speedy manner. All complaints or incidents will be investigated on a case by case basis. Any employee believing that he/she is/has been a victim of sexual harassment may contact any Supervisor within this department to report the occurrence. The Supervisor shall in turn report immediately to the Deputy Director/Director. In those incidents where a violation has been shown to occur, immediate action will be taken to remedy the situation and to prevent its reoccurrence.

It is each employees' responsibility to help eliminate all forms of harassment and unwanted conduct. It shall be every supervisors' responsibility to prevent such behavior from occurring within his/her jurisdiction and to report any occurrences that he/she has knowledge of in any area of the department.

Nothing in this policy prevents an employee from directly contacting the Director to file a complaint in addition to or in lieu of contacting the designated personnel of this department.

All members who violate this policy will be subjected to disciplinary action up to and including dismissal.

**TO:** All Personnel  
**FROM:** Department Head  
**SUBJECT:** Sexual Harassment and Other Unwanted Conduct  
**EFFECTIVE:** March 16, 1988  
**EXPIRATION:** Indefinite

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#### SCOPE

This order shall apply to all personnel sworn and non-sworn.

#### PURPOSE

To establish prevention in a working environment against sexual harassment and unwanted conduct.

#### APPLICATION

This order is for internal use only, and is not intended to enlarge the employees' civil or criminal liability in any way, and it shall not be construed as the creation of a higher legal standard of safety or care in the evidentiary sense with respect to third party claims insofar as the employees legal duties as imposed by law. Non compliance with this policy constitutes a violation of employment duty only, except in which cases of non compliance are also a violation of laws in the State of Michigan. Therefore, violation of this policy shall form the basis of this employer's disciplinary action within this Department. In the event that a violation of duties imposed by law, nothing herein shall be construed to relieve one from legal duty or from any action resulting from breach of that legal duty.

#### GENERAL POLICY

It shall be the policy of the Department that as employees you have the right to expect a working environment free of unwelcome sexual advances, requests for sexual favors, communication of a sexual nature, and other unwanted verbal or physical conduct. This Department has adopted a Sexual Harassment and Other Unwanted Conduct policy.

This policy shall be followed at all times including, but not limited to when:

1. Submission to such conduct or communication is made an express or implied condition of obtaining employment.
2. Submission to or rejection of such conduct is used as a basis of or factor in decisions affecting the employment of any personnel.
3. Such conduct or communication has the purpose or effect of interfering with an employee's duty assignment or work performance or creating an intimidating, hostile or offensive environment.

## DEFINITIONS

1. "Employee" includes all Department personnel, both sworn and civilian.
2. "Sexual Harassment" includes any unwarranted or repeated verbal or physical sexual advances, sexually explicit, provocative, or suggestive statements, innuendo, or comments, or sexually oriented conduct or physical conduct, made by another employee which are reasonably offensive or objectionable to the recipient or which reasonably causes the recipient discomfort or humiliation or which reasonably interferes with the recipient's work performance.
3. "Unwanted Conduct" includes any conduct, verbal or physical, which is of an ethnic, racial or religious nature, which reasonably causes the recipient discomfort or humiliation, or which reasonably interferes with the recipient's work performance.
4. "Shall" is mandatory, not permissive.

## PROCEDURE

1. An employee who believes he/she has been subjected to Sexual Harassment or Unwanted Conduct shall report the incident within ten (10) days after the alleged occurrence, to either his/her immediate supervisor, or to the Department Head.
2. A complaint of sexual harassment or unwanted conduct shall be promptly investigated by the Department Head or his/her designee, provided, however, such person shall not be subject of or included within the immediate Sexual Harassment or Unwanted Conduct complaint. Every effort will be made to handle all such complaints in a fair, impartial, and speedy manner, with concern for the principles of due process and fairness. In order to protect both the person making the complaint and the person(s) against whom the complaint is made, every reasonable effort will be made to handle all complaints in a confidential and discreet manner.
3. A meeting shall be held between the person making the complaint and the Director or his designee, as soon as possible, but not later than ten (10) days following the report of the alleged occurrence(s). Following this meeting, the employee(s) against whom the complaint had been made shall be given a full opportunity to respond to the allegations. The investigation conducted shall also include interviews, where appropriate, with other witnesses to the alleged

occurrence(s) of Sexual Harassment or Unwanted Conduct.

4. Following completion of the investigation, if it is determined that a Sexual Harassment or Unwanted Conduct did, in fact, take place, immediate action, including discipline if necessary, will be taken to remedy the situation and prevent its recurrence.
5. All command and supervisory personnel shall be expressly responsible for immediately reporting any occurrences they witness or become aware of in any area of the department.
6. If at all possible, immediate action shall be taken by command and supervisory personnel to limit and restrict, during the pendency of Sexual Harassment and Unwanted Conduct complaint, any work assignments or contact between the employee making the complaint and the employee against whom the complaint is made.
7. Retaliatory action or conduct of any kind taken by any member of the Department against an employee as a result of that employee having sought redress under this policy and procedures is strictly prohibited and shall be regarded as a separate and distinct violation of the Department policies and procedures. any questions, concerns, or other inquiries regarding the conduct that is prohibited by this policy or the procedures contained herein shall be directed immediately to the Department Head or his/her designee.

NON-COMPLIANCE- Failure to comply with the provisions of this order shall result in disciplinary action. Any employee who has an alleged misconduct complaint and violates Section 6 during or after the investigation may be subject to discharge.