

	KANSAS CITY MISSOURI POLICE DEPARTMENT	DATE OF ISSUE	EFFECTIVE DATE	NO.
	PERSONNEL POLICY	7-10-13	7-10-13	310-5
SUBJECT			AMENDS	
Policy Series 300: Employee Relations 310 - Discrimination and/or Harassment				
REFERENCE		RESCINDS		
Missouri Human Rights Act, Chapter 213 RSMo Title 7 Civil Rights Act of 1964 Title 29 Code of Federal Regulations (CFR) PPBM: Age Limits; Civil Rights Investigations; Equal Employment Opportunity Program; Americans with Disabilities Act		PPBM: 310-4		

***I. INTRODUCTION**

It is the policy and practice of the Board of Police Commissioners and the Kansas City Missouri Police Department to provide a work atmosphere free of actual or perceived discrimination and/or harassment. This policy may be broader than federal or state law mandates for the benefit of the members and the department.

***II. TERMINOLOGY**

A. **Age Harassment** – Discrimination directed toward members who are 40 or older, including basing employment actions on stereotypical assumptions; however, compulsory retirement of law enforcement officers is permitted under the law enforcement officer exception to the Age Discrimination in Employment Act. Please refer to the written directive entitled “Age Limits.” Examples of age harassment include but are not limited to:

1. Derogatory comments/remarks related to age such as being accident-prone, unable to learn new tasks, or having geriatric physical afflictions.
2. Age-based teasing, remarks, jokes, or threats.
3. Public statements emphasizing youth, freshness, vigor, energy, young blood, younger image, or youth movement.

B. **Disabilities Harassment** – When a member’s physical or mental impairment, which substantially limits one or more major life activity, contributes to unequal or unfair treatment of the disabled member. Examples include but are not limited to:

1. Teasing or making jokes about a member’s disability.
2. Intentionally and unlawfully creating an environment that makes it difficult for a disabled member to perform their job functions, such as altering work accommodations, assigning physically demanding duties, etc.

- C. **Discrimination** – When a member’s age, sex/gender, race, color, religion, disability, or national origin contributes to unequal and unfair treatment of the member with regard to the application of personnel policies, benefits, and daily employment practices. Examples of discrimination include but are not limited to:
1. Unlawful personnel management actions such as reassignment or transfer, termination, disciplinary measures, demotion, or withholding of a promotion or appointment when age, sex/gender, race, color, religion, disability or national origin contributes to the actions.
 2. Unlawful supervisory behavior, such as intentionally delegating more physically demanding or undesirable work assignments when age, sex/gender, race, color, religion, disability or national origin contributes to the actions.
 3. Favoritism in the form of employment opportunities or other benefits resulting in denial of such opportunities for other members when age, sex/gender, race, color, religion, disability, or national origin contributes to the actions.
- D. **Domestic Partner** – Two adults who share the same principal residence and are jointly responsible for the basic necessities of life; i.e., the cost of basic food, shelter, and any other expenses. The individuals do not need to contribute equally to the cost of the expenses, so long as they are both responsible for the cost or providing the basic necessities of life. This may apply to same-sex members as well as different-sex members.
- E. **Gender Discrimination/Harassment** – The treatment (not sexual in nature) of a member unfavorably because of the member’s gender, whether of same or opposite sex. This includes derogatory comments or remarks related to physical or work abilities of the member’s sex, a member’s gender, marital status, sexual orientation, pregnancy or childbirth. Examples include but are not limited to:
1. Comments displaying gender-based stereotypes, such as, “all women belong at home,” or “that’s a man’s job.”
 2. Refusing to hire an applicant, fire, or demote a member when the member’s gender contributes to the decision.
- F. **Harassment** – Member or supervisory behavior inclusive of making derogatory comments, epithets, slurs, or jokes; posting derogatory pictures, cartoons, posters, graffiti, or drawings; or writing derogatory words, messages, or letters which are inflicted on a member to encourage transfer, reassignment, or resignation or create a hostile work environment.
- G. **Hostile Work Environment** - When sexually harassing conduct either creates an intimidating or offensive work environment or has the purpose or effect of unreasonably interfering with an individual’s work performance.

- H. **National Origin Harassment** – When a member’s ancestry, heritage, or national background contributes to unequal or unfair treatment of the member. Examples include but are not limited to:
1. Ethnic slurs or other verbal and physical conduct related to the members’ (or their ancestors) national origin, surname, color, accent, or manner of speaking.
 2. Derogatory comments/remarks related to ancestry, culture, birthplace, physical characteristics, citizenship, or membership or association with specific ethnic groups, school, or religious affiliation.
- I. **Race/Color Harassment** – When a member’s race or color contributes to the unequal or unfair treatment of the member. Examples include but are not limited to:
1. Racial or ethnic jokes, racially offensive or derogatory terms or names.
 2. Displaying racially insensitive materials.
- J. **Religious Harassment** – Discrimination including coercion, by a commander/supervisor, of member’s participation or non-participation in religious activities. Examples include but are not limited to:
1. Insisting a member participates in religious activities or hold particular religious views as a condition of continued employment, promotion, preferred job assignments or any other benefit or privilege of employment.
 2. Insisting a member not participate in religious activities outside the workplace or not hold particular religious views.
 3. Engaging in religious discourse or expression that could reasonably be perceived as coercive.
 4. Religiously derogatory language that is physically threatening, humiliating, or unreasonably interferes with a member’s work performance.
- K. **Sexual Harassment** – Sex discrimination directed toward a member of the opposite sex or of the same sex, including unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, affecting a female or male member. Examples of sexual harassment include but are not limited to:
1. Sexually suggestive or obscene letters or notes, derogatory comments, epithets, slurs, jokes, or inappropriate language used to describe a member.
 2. Any inappropriate physical overtures of a sexual nature such as physical assault, impeding or blocking movement, touching, or any physical interference with normal work.

3. Gestures with a sexual connotation, displaying sexually suggestive or derogatory objects, pictures, cartoons, or posters.
4. Threats or insinuations that lack of sexual favors will result in reprisal, withholding support for appointment, promotion, transfer, failure to pass a probationary period, punitive action, change of assignment, or a poor performance report.

*III. POLICY

- A. It is the responsibility of all commanders and supervisors to ensure all assigned subordinate members are aware of and strictly adhere to this policy. Further ensure any and all questions asked regarding this policy are clarified.
- B. The department does not condone or tolerate any conduct or practice by its members which may be construed as discrimination and/or harassment as previously defined by this policy. This includes discrimination and/or harassment directed toward another member.
- C. The department will not tolerate any form of retaliation against a member who reports discrimination and/or harassment or who participates in an investigation. Retaliation will be addressed appropriately and may include disciplinary action up to and including termination.
- D. Any conduct or behavior that creates an intimidating, hostile, or offensive working environment will not be tolerated.
- *E. Any conduct or behavior that compels, incites, encourages, or aids another member to discriminate, harass, or retaliate will not be tolerated.
- *F. Discrimination against a member because of that member's association with any other person due to the other person's age, sex, gender, race, color, religion, disabilities, or national origin is prohibited.
- G. Favors will never be a factor affecting or influencing a member's employment, promotion, performance evaluation, disciplinary actions, or assignment in this department.
- *H. Relationships of a sexual or romantic nature between members of different rank, status, and command are:
 1. **prohibited** if they:
 - a. compromise, or appear to compromise the integrity of the supervisory authority or the chain of command.
 - b. cause actual or perceived partiality or unfairness.
 - c. are, or are perceived to be, exploitative or coercive in nature.

- d. involve, or appear to involve, the improper use of rank or position for personal gain.
- e. create an actual or clearly predictable adverse impact on discipline, authority, morale, or the ability of the command to accomplish its mission or objectives.
- f. specifically involve a recruit and an instructor or a probationary officer and a field training officer.

2. **not prohibited if:**

- a. the members involved are married, or domestic partners. Members of domestic partnership relationships should register with the Domestic Partner Registry of the City of Kansas City, Mo. **and,**
- b. the members involved are clearly within different chains of command.

- *I. Members who plan or unexpectedly find themselves involved in a **prohibited** relationship are required to immediately request a transfer from the Director of Human Resources. Consideration will be given as to an appropriate transfer of one or both of the members.
- J. Members are required to report incidents involving conduct that may be construed as discrimination and/or harassment as previously defined in this policy. Although an incident may not be overt or intentional, it may be perceived by the reporting member as discrimination and/or harassment.
- *K. Members are required to cooperate during any investigation of discrimination and/or harassment and provide a statement when directed to do so.
- *L. This policy shall not be construed as restricting or precluding disciplinary action being taken against a member if the member knowingly makes a false allegation or complaint of discrimination and/or harassment or knowingly provides false information in an investigation.
- *M. Substantiated complaints of unlawful discrimination or harassment will lead to disciplinary action, up to and including termination.

***IV. PROCEDURES**

- A. Reporting Unlawful Discrimination and/or Harassment.

1. A member wishing to report an incident of discrimination and/or harassment as previously described within this policy, may:
 - a. Complete an Interdepartment Communication, Form 191 P.D., detailing the incident.
 - b. Orally report the incident to the immediate supervisor or to any other superior.
 - c. Email the details of the incident to hrconfidential@kcpd.org from an identifiable email account to allow the Director of Human Resources or designee to follow up regarding the incident. This email account will be checked on a daily basis during normal business hours by the Director of Human Resources or designee.
 2. Whether via Interdepartment Communication, or oral report, once completed, the report (if by Form 191 P.D., the original) is to be delivered directly to the Director of Human Resources or designee. No copies of the report will be made.
- B. The member reporting unlawful discrimination and/or harassment, as defined in this policy, will be separated from the accused.
- C. The Bureau Commander, in consultation with the Director of Human Resources and General Counsel, will decide which member to move. The member being moved will be notified in writing of the decision.
- D. Director of Human Resources or designee will:
1. Notify the Chief of Police, the Bureau Commander, and the Office of General Counsel of a complaint or investigation.
 2. Review all complaints and determine if an investigation is warranted. Incidents of the following will not be investigated. This list is not meant to be all inclusive and will be determined on a case by case basis.
 - a. Anonymous complaints.
 - b. Complaints regarding discipline that are neither based upon discrimination or harassment as defined by this policy nor based upon a believed retaliatory act.
 3. Notify the reporting member in writing that their complaint will result in:
 - a. A formal investigation.
 - b. An informal resolution.
 - c. No investigation.

4. Retain an outside contractor for the express purpose of conducting investigations as prescribed by this policy.
 5. Maintain a file on all reports of discrimination, harassment, illegal or unethical behavior.
 6. Submit an annual report of complaints of discrimination and/or harassment to the Chief of Police.
- E. Upon completion of an investigation, the outside contractor will:
1. Prepare a written investigative report.
 2. Meet with the Director of Human Resources and present the report and findings on/or before a prescribed date.
 3. Forward the investigative report and all related documentation to the Chief of Police, with an Interdepartment Communication, Form 191 P.D. with a recommendation prepared by the Director of Human Resources, to the Chief of Police for disposition.
- F. The Chief of Police will make the final determination on all investigations.

Darryl Forté
Chief of Police

Adopted by the Board of Police Commissioners this ____ day of _____, 20__.

Lisa Pelofsky
Board President

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