



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 26.3.1

TITLE: WORKPLACE SEXUAL HARASSMENT

EFFECTIVE: 7/30/2023

REVISED: Replaces in part Chapter 26.3

PURPOSE

The purpose of this policy is to prevent Department members from subjecting others to, or being subjected to sexual harassment. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

POLICY STATEMENT

1. The New Orleans Police Department is an equal opportunity employer and is committed to creating and maintaining a healthy work environment that will provide all employees the opportunity to perform their duties to their fullest potential. The working environment must be free of all forms of discriminatory harassment, including sexual harassment, and retaliation.
2. Sexual harassment can expose the Department and its employees to serious liability and can lower morale, undermine the integrity of employee relationships, and interfere with the efficiency of Department operations. Sexual harassment, can constitute serious misconduct that will not be tolerated. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect. (See: **M. C. Ordinance No. 27795**).
3. The non-discrimination policies of the Department may be more comprehensive than municipal, state or federal law. Conduct that violates this policy may or may not violate municipal, state or federal law but still could subject a member to administrative discipline. (See: **Chapter 26.3.2 – Workplace Discrimination**).
4. This policy applies to all Department personnel. All members shall follow the intent of these guidelines in a manner that reflects Department policy, professional law enforcement standards and the best interest of the Department and its mission.

DEFINITIONS:

Definitions relevant to this Chapter include:

Complainant—Any person, including an NOPD officer or employee, who makes a complaint against an officer or employee of NOPD.

Sexual Harassment—Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
- (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile or offense working environment. For purposes of this section, an intimidating, hostile, or offensive work environment exists when sexual harassment is so pervasive or severe that it creates intimidating, offensive workplace and alters the conditions or employment.

The following are types of sexual harassment:

- 1) **Quid Pro Quo (this for that):** This type of harassment exists when a member in management or supervisor states or implies that an employee must consent to unwelcome sexual advances in exchange for some economic benefit such as promotions, merits, job offers, job retention, etc. Also, quid pro quo sexual harassment occurs when rejection of sexual advances would result in adverse decisions affecting an employee's job status, (i.e. demotion, termination, denial of employment, etc.) Note: Field training officers may be considered "of supervisory capacity" due to their status and control over the recruit.
- 2) **Hostile Work Environment:** Anyone in the work place can commit this type of harassment. A hostile work environment exists where sexual harassment is so pervasive or severe that it creates an intimidating, offensive work place and alters the conditions of employment.

EXAMPLES OF INAPPROPRIATE CONDUCT

- 5. Depending on the facts and circumstances, the following are examples of conduct that may violate this Chapter:
 - a) Touching another person's body in a manner that the employee knows or should know the other person will regard as offensive (e.g., unwelcome neck massages, rubbing another person's hands or arms, touching another person's breasts, buttocks, or genitals);
 - b) Displaying or circulating sexually suggestive objects or images, including pictures, posters, videos, photographs, cartoons, calendars, drawings, magazines, computer graphics, and literature;
 - c) Exposing or touching oneself in a manner that the employee knows or should know the other person will regard as offensive;
 - d) Alluding to another person's or one's own anatomy and/or genitals in a manner that the employee knows or should know the other person will regard as offensive;
 - e) Telling sexually oriented jokes or making references or inquiries into someone's sexual preferences;
 - f) Suggestive or insulting sounds ("cat calls" or "kissing" noises), leering, obscene gestures, and sexually suggestive body gestures.
 - g) Alluding to another person's or one's own mode of dress in a sexually oriented or suggestive manner that the employee knows or should know the other person will regard as offensive; and
 - h) Posting, possessing, sending, soliciting or displaying in the workplace sexually suggestive, racist, "hate-site" related, or obscene letters, notes, invitations, cartoons, posters, facsimiles, electronic mail or web links.
 - i) Electronically sending messages with sexual content, including pictures and video, the use or sexually explicit language, harassment, cyber stalking and threats via all forms or electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites).

MEMBER RESPONSIBILITIES

6. Any member who believes, in good faith, that he/she has observed sexual harassment, shall promptly report such conduct, and any member who believes, in good faith, that he/she has been sexual harassment, shall promptly report such conduct, in accordance with the requirements of this chapter and **Chapter 52.1.1— Misconduct Complaint Intake and Investigation** so that appropriate investigative and disciplinary actions may be taken. If the member's immediate supervisor is the accused employee, the member may report allegations to a supervisor higher in the chain of command or directly to the Public Integrity Bureau.
7. A sexual harassment complaint may be an oral complaint initially but must be followed by a sexual harassment or discrimination complaint form (Appendix A). The complaint should include the date(s) the incident(s) occurred, name(s) or the individual(s) involved, name(s) or witness(es), and a detailed description of the incident(s).
8. When the member completes the sexual harassment or discrimination complaint form (Appendix A), the NOPD human resources manager and/or the Superintendent must sign the form. Only signatures from the NOPD human resources manager and/or the Superintendent are to be entered on the sexual harassment or discrimination complaint form in the space designated for this purpose. In the event the accused harasser is the human resources manager or the Superintendent, the complaint should be signed by the asst. CAO of the personnel division.
9. Once the Sexual Harassment or Discrimination Complaint Form (Appendix A) is completed by the member, a copy shall be sent to the Deputy Chief of PIB and the original shall be sent to the Personnel Division, Chief Administrative Office, and City of New Orleans. A copy of the Form can be found at:
<https://employee.nola.gov/work/policies/policy-memorandum/>.
10. Every employee is responsible for taking the initiative to prevent sexual harassment in the workplace. Therefore, all employees shall:
 - a) Conduct themselves in a professional manner and maintain a professional attitude;
 - b) Avoid any type of act or discussion that the employee knows or should know others will regard as offensive within the meaning of this Chapter; and
 - c) Cease immediately any behavior or discussion if told that such conduct is offensive within the meaning of this Chapter.
11. Any employee who encounters sexual harassment is encouraged to inform the offending party that his or her actions are unwelcome and/or offensive.

COMMANDERS AND SUPERVISORS RESPONSIBILITIES

12. Supervisors receiving written or verbal allegations of violations of this Chapter shall take such allegations seriously, deal with them in a prompt and effective manner, and, where appropriate, initiate a disciplinary investigation, by completing NOPD Form 230 – PIB Intake Form – Commendation – Complaint or Documentation of Minor Violation, and take all appropriate investigative and disciplinary actions, consistent with **Chapter 52.1.1— Misconduct Complaint Intake and Investigation**.
13. A supervisor to whom a complaint is given shall meet with the complainant and document the incident(s) complained of; the persons(s) performing or participating in the alleged acts of sexual harassment; any witnesses to the incident(s); and the date, time, and place of the incident(s).
14. All complaints of alleged inappropriate behavior shall be documented in writing and forwarded to the Public Integrity Bureau.

15. Supervisors shall take appropriate corrective action to stop or prevent further sexual harassment as soon as it is reported or observed.
16. Commanders shall take the initiative in preventing sexual harassment in the workplace by setting good examples, always demonstrating courteous and professional behavior, and actively monitoring the work environment.
17. Commanders and supervisors shall ensure that employees do not suffer reprisal or retaliatory actions for presenting allegations of inappropriate behavior. However, any complaint of sexual harassment that has been found to be false through investigation shall result in the initiation of a formal disciplinary investigation against the parties(s) who originated the original false allegations.
18. If a complaint can be resolved without a formal investigation through non-disciplinary counseling or training, supervisors shall thoroughly document this action in writing and forward to the Public Integrity Bureau in a Universal Complaint Form (see **Chapter 35.1.7—Non-Disciplinary Counseling for Minor Violations**).
19. Supervisors are not authorized to advise employees about their legal remedies as provided by Federal and/or State law.

ADDITIONAL CONSIDERATION

20. Sexual harassment does not include actions that are in accordance with established rules, principles, or standards, including:
 - a) Acts or omission of acts based solely upon bona fide occupational qualifications as interpreted by the Equal Employment Opportunity Commission (EEOC) and the Louisiana Commission on Human Rights, and
 - b) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or Department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

PUBLIC INTEGRITY BUREAU RESPONSIBILITIES

21. The Public Integrity Bureau shall separately track all complaints of sexual harassment and maintain all files of such complaints. All files concerning complaints of inappropriate behavior shall be kept in such a manner as to allow the files to be accessed by the name of the accused and the name of the complaining employee. Access to the files shall be restricted to supervisory individuals conducting pertinent police business.
22. Failure of a commander or supervisor to take corrective action on a complaint of inappropriate behavior shall be reported to the Commander of the Public Integrity Bureau.
23. All complaints of sexual harassment shall follow the reporting, notification, privacy rights, and investigative timelines for completion outlined in CAO Policy Memorandum 141(R) and Municipal Code Article VIII – Sexual Harassment Sections 86-40 thru 86-48.
24. PIB shall report on Departmental sexual harassment complaints and investigations as required in CAO Policy 141(R) – Section X.

EQUAL OPPORTUNITY COMPLAINTS

25. No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the Department after the employee has first filed an internal complaint within the Department and allowed the Department to investigate the complaint and take corrective action as needed. Employees who believe that they have been harassed or discriminated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

QUESTIONS REGARDING SEXUAL HARASSMENT

26. Members with questions regarding sexual harassment are encouraged to contact a supervisor, Employee Relations, the Personnel Director or the Chief Administrative Officer or they may contact the Louisiana Commission on Human Rights.

TRAINING

24. Members shall abide by the training requirements promulgated for all City employees of the City of New Orleans for sexual harassment in accordance with CAO Policy 141(R) – Section VIII.

INFORMATION POSTINGS

25. Managers and Commanders shall ensure that the Equal Employment Opportunity Commission (E.E.O.C.) or Louisiana Workforce Commission posters, notifications or other governmental information is properly posted in the workplace as required.

Appendix A –

City of New Orleans Sexual Harassment or Discrimination Complaint Form

The form is a fillable PDF and can be found at:

<https://employee.nola.gov/work/policies/policy-memorandum/>