



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 26.3.2

### TITLE: WORKPLACE DISCRIMINATION AND DISCRIMINATORY HARASSMENT

**EFFECTIVE: 7/30/2023**

**REVISED: Replaces in part Chapter 26.3**

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#### PURPOSE

The purpose of this policy is to prevent Department members from subjecting others to, or being subjected to, discrimination in the workplace or discriminatory 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. Workplace discrimination and discriminatory harassment exposes 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. Workplace discrimination constitutes 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.
3. The non-discrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may or may not violate state or federal law but still could subject a member to administrative discipline.

#### 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.

**Discrimination**—Discrimination is the disparate or adverse treatment of an individual based on or because of that person's actual or perceived characteristics such as race, color, ethnicity, national origin, ancestry, creed, religion, gender, gender identity, sexual orientation, economic

status, age, cultural group, disability, housing status, or affiliation with any other similar identifiable group.

### **DISCRIMINATION PROHIBITED**

4. The Department prohibits all forms of discrimination, whether on or off duty, including any employment-related action by an employee that adversely affects an applicant or employee and is based on actual or perceived characteristics such as race, color, ethnicity, national origin, ancestry, creed, religion, gender, gender identity, sexual orientation, economic status, age, cultural group, disability, housing status, or affiliation with any other similar identifiable group (see **Chapter 41.13, Bias-Free Policing**).
5. Discriminatory harassment is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.
6. Conduct that may, under certain circumstances, constitute discriminatory harassment, can include making derogatory comments, authoring crude and offensive statements or remarks, making slurs or off-color jokes, stereotyping, engaging in threatening acts, making indecent gestures, pictures, cartoons, posters or material, making inappropriate physical contact, or using written material or department equipment and/or systems to transmit or receive offensive material, statements or pictures. Such conduct is contrary to department policy and to the department's commitment to a discrimination-free work environment.

### **MEMBER RESPONSIBILITIES**

7. 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.
8. Any member who believes, in good faith, that he/she has been discriminated against or harassed, or who has observed harassment or discrimination, should 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.
9. Any employee who encounters harassment and/or discrimination is encouraged to inform the offending party that his or her actions are unwelcome and/or offensive.

### **CAPTAINS AND SUPERVISORS RESPONSIBILITIES**

10. 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**.

11. 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 discrimination or discriminatory harassment; any witnesses to the incident(s); and the date, time, and place of the incident(s).
12. All complaints of alleged inappropriate behavior shall be documented in writing and forwarded to the Public Integrity Bureau.
13. Supervisors shall take appropriate corrective action to stop or prevent further discrimination or discriminatory harassment as soon as it is reported or observed.
14. Captains shall take the initiative in preventing discrimination and discriminatory harassment in the workplace by setting good examples, demonstrating courteous and professional behavior at all times, and actively monitoring the work environment.
15. Captains and supervisors shall ensure that employees do not suffer reprisal or retaliatory actions for presenting allegations of discrimination or discriminatory harassment. However, any complaint of discrimination or discriminatory harassment that has been found to be false through investigation shall result in the initiation of a formal disciplinary investigation against the parties who originated the original false allegations.
16. 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**).
17. Supervisors are not authorized to advise employees about their legal remedies as provided by Federal and/or State agencies.

#### **ADDITIONAL CONSIDERATION**

18. Discrimination and discriminatory 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 under 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**

19. The Public Integrity Bureau shall separately track all complaints of discriminatory harassment or discrimination 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.
20. Failure of a Captain or supervisor to take corrective action on a complaint of discrimination or discriminatory harassment shall be reported to the Captain of the Public

Integrity Bureau.

### **EQUAL OPPORTUNITY COMPLAINTS**

21. 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 DISCRIMINATION OR DISCRIMINATORY HARASSMENT**

22. Members with questions regarding discrimination or discriminatory 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**

23. Members shall abide by the training requirements promulgated for all law enforcement officers of the City of New Orleans for discrimination in accordance with M.C. Ordinance 2-975, paragraph b.

### **INFORMATION POSTINGS**

24. The Deputy Chief of the Management Services Bureau and Captains 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.