

**TYLER POLICE DEPARTMENT
GENERAL ORDER**

DISCRIMINATION

03.300

REVISED 07/27/07

EFFECTIVE 07/15/93

03.301 POLICY

It is the policy of the Tyler Police Department to provide an environment for its employees that is free of harassment and discrimination. The Tyler Police Department will conduct its affairs, duties, and responsibilities free from arbitrary discrimination in accordance with the laws of the United States, and provide equal treatment to all members and citizens regardless of their race, color, religion, age, national origin, ethnic group, handicaps, or gender.

03.302 DEFINITIONS

A. **Arbitrary Discrimination.** Arbitrary discrimination is any action or activity that unlawfully or unjustly results in unequal treatment of persons or groups of persons based on age, color, national origin, race, ethnic group, religion, handicaps, or gender for which distinctions are not supported by legal or rational considerations. Arbitrary discrimination can exist in the following formats:

1. **Disparaging Terms.** These are terms that are used to degrade or infer negative statements pertaining to age, color, national origin, race, ethnic groups, gender or religion. Such terms may include slurs, insults, printed materials, visual materials, signs, symbols, posters, or insignia. The mere usage of disparaging terms constitutes arbitrary discrimination.
2. **Personal Discrimination.** This is any action taken by an individual to deprive a person or group of persons of a right because of age, color, national origin, race, ethnic group, religion, or gender. Such discrimination can occur overtly, covertly, intentionally, unintentionally, by an act or by an omission.
3. **Sexual Harassment.** This is a subcategory of sexual discrimination and as such may result in civil rights violation suits. It may involve different forms or activities including the utilization of sexually explicit language or gestures, the presence of sexually suggestive or explicit pictures, drawings, or unsolicited, unwanted or unusual touching or closeness by or from any member, or related conduct, activities, actions, mannerisms or suggestions with sexual innuendoes or overtones. Sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute harassment when:
 - a. The conduct is unwelcome in the sense that the employee did not solicit or incite it, and in the sense that the employee regarded the conduct as undesirable or offensive. It may include:
 - (1) Verbal - Innuendos, suggestive comments, slurs, jokes, propositions, or threats.
 - (2) Non-Verbal – Suggestive objectives, pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, or obscene gestures.
 - (3) Physical - Including touching, pinching, brushing the body, assault, etc.
OR,
 - b. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment, pay or career, OR,
 - c. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting the person, OR,
 - d. Such conduct has the purpose or effect of unreasonably interfering with an

individual's performance or creating an intimidating, hostile, or offensive working environment.

- B. **Prejudice.** Prejudice is defined as any set of rigid and or unfavorable attitudes toward a particular group or groups of persons which is formed in disregard of facts. An unsupported judgement usually accompanied by disapproval.
- C. **Stereotyping.** A stereotype is a preconceived or oversimplified generalization involving negative beliefs about a particular group or class of people. Negative stereotypes are frequently the basis for prejudicial attitudes and beliefs. Stereotyping allows for the disregard of people as individuals and categorizes them as a member of a group that all think, act, and behave in the same manner and fashion.
- D. **Anti-Semitism.** Anti-Semitism refers directly to a prejudicial and discriminatory attitude towards Jews based on negative perceptions about their religious beliefs. It is a form of stereotyping. Anti-Semitism can also be a form of racism.
- E. **Racism.** Racism deals with the incorrect assumption that a race determines specific cultural and psychological traits with the belief that one race is superior to another. Based on this belief of racial superiority, discrimination is allowed to exist as a manner for dealing with other races believed to be inferior.

Racists justify the domination and sometimes even the destruction of those races they consider inferior as a basis for protecting their race from contamination.
- F. **Racial Profiling.** Racial profiling is defined as any police initiated action that relies on the race, ethnicity, or national origin rather than the behavior of the individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity. Has the same meaning as Bias-based Profiling.
- G. **Consensual Relationship.** A mutually acceptable, intimate romantic and/or sexual relationship between members of the department. A romantic or sexual relationship exists when two employees become personally involved with each other to the point that there is dating, exchange of personal affection, emotional attachment, any form of sexual or physical intimacy and/or cohabitation.
- H. **Conflict of Interest.** A situation when an employee with authority over another has competing professional or personal interests. Such competing interests can make it difficult to fulfill his or her duties impartially. A conflict of interest exists even if no unethical or improper act results from it. A conflict of interest can create an appearance of impropriety that can undermine confidence in the person, profession, or Department.

03.303 PROCEDURES

- A. Arbitrary discrimination, sexual harassment, or any form of harassment by a specific act, inference, or omission by or against any member of the Tyler Police Department, or by a member against a citizen or visitor to Tyler, will not be permitted, tolerated, or condoned.
- B. This General Order covers a wide spectrum of behavior, some of which includes casual remarks or activities which department members may not realize are offensive. Department members who find casual remarks or other behavior offensive are strongly encouraged to put the offending member on notice that the activities are offensive. If the offended department member feels uncomfortable confronting the offender, a report should be made with an immediate supervisor, the Integrity Unit, the Chief of Police, or the City's Personnel Department and may be done

anonymously. Condoning the offensive behavior may result in confusion and misunderstanding among department members when the behavior is ultimately reported.

Department supervisors, managers, or administrators will take the appropriate administrative or disciplinary actions to insure an environment free of arbitrary discrimination and sexual harassment.

- C. Should any member or citizen feel that he/she has been discriminated against or harassed, the member or citizen may undertake one or more of the following steps:
 - 1. Members encountering harassment or discrimination shall tell the person that the actions are unwelcome and offensive. The member shall document all incidents in order to provide the fullest basis for an investigation. Anonymous complaints of discrimination and/or sexual harassment will receive the same attention and investigation as would any other complaint.
 - 2. Any member who believes that he/she is being harassed or discriminated against shall immediately report the matter to a supervisor.
 - 3. If the alleged offender is a member of the employee's chain of command, the report shall be made directly to the Chief of Police.
 - 4. If the alleged offender is the Chief of Police, the report shall be filed with the Personnel Director.
 - 5. If the employee feels uncomfortable making the report to departmental personnel, it may be made to the Personnel Director.
- D. There shall be no retaliation against any employee or citizen for filing a harassment or discrimination complaint, or assisting, testifying, or participating in the investigation of such a complaint.
- E. Complainants or members accused of harassment or discrimination may file a grievance/appeal in accordance with agency procedures when they disagree with the investigation or disposition of a harassment or discrimination investigation.
- F. This policy does not preclude any employee or citizen from filing a complaint or grievance with an appropriate outside agency.

03.304 CONSENSUAL RELATIONSHIP DISCLOSURE

- A. It is the intent of this policy to create an appropriate balance between employee's rights to privacy/association and the employer's legitimate interests in preventing sexual harassment, avoiding litigation or liability, and promoting a positive, efficient and conflict free work environment with high morale and maximum productivity. To achieve this balance it is necessary that the Chief of Police be notified when a supervisor of this department enters into a consensual relationship with another member of the department. The supervisor involved in the consensual relationship shall notify the Chief of Police in writing. After being informed of the relationship, the Chief of Police may require a written consent notice from the involved employees to be completed to ensure the relationship is in fact consensual.
- B. The Chief of Police will review the work schedules and assignments of the involved employees to ensure that no conflict of interest or perceived conflict of interest may occur. The Chief of Police will ensure that the supervisor has no input into the subordinate's workload, evaluation, time off requests, disciplinary actions, or related job compensation measures or conditions. Should it become necessary to notify the employee's chain of command of the relationship, the information shall be kept private and confidential by the employee's chain of command. Situations that could involve a conflict of interest or perceived conflict of interest may require a change in work

schedule for the involved employee(s).

- C. Employees involved in consensual relationships must maintain proper office decorum and a level of professionalism expected of all employees. A public display of affection while on duty or unnecessary time spent together while on duty is not permitted.

Approved: 07/27/07

Handwritten signature in cursive script, appearing to read "Amy J. Swindle".