



Tulsa Police Department

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

Policy # 136A

Effective Date 12/18/2023

Policy Name Performance of Duty – Nondiscrimination

Approved Date 11/21/2023

Approved by *Wendell Franklin, Chief of Police*

Previous Date 08/15/2003

PURPOSE OF CHANGE:

Update policy to align with City of Tulsa Personnel Policies and Procedures.

POLICY:

The Tulsa Police Department is committed to and shall provide a work environment which is free from all forms of discrimination and harassment. City, State, and Federal laws strictly prohibit discrimination or harassment in the workplace by any person and in any form. Customers and/or vendor representatives who violate City policy regarding discrimination or harassment will be asked to leave City premises.

The Tulsa Police Department will not tolerate any form of discrimination or harassment based on race, color, sex, age, religion, national origin, disability, or sexual orientation. Officers and employees will conduct themselves in accordance with the highest moral and ethical standards. Any employee who violates this policy is subject to disciplinary action up to and including termination. Complaints will be investigated and processed in accordance with the *Collective Bargaining Agreement* and current Tulsa Police Department *Policy and Procedure*.

SUMMARY: Procedures for identifying and reporting of discrimination or harassment.

APPLIES TO: All police personnel.

DEFINITIONS:

DISCRIMINATION – the unjust or prejudicial treatment of different categories of people based on race, color, sex, age, religion, national origin, disability, political beliefs, sexual orientation, gender identity, or gender (as defined in *City of Tulsa Personnel Policies and Procedures*).

SEXUAL HARASSMENT – unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

HARASSMENT – any slurs, jokes, and/or other degrading verbal or physical conduct relating to a person's race, color, sex, age, religion, national origin, disability, or sexual orientation constitutes harassment when such conduct:

1. Has the purpose or effect of substantially interfering with an individual's work performance.

2. Creates an intimidating, hostile or offensive work environment.
3. Adversely affects another employee's work efforts and employment.

PROCEDURES:

1. All managers, supervisors, and employees (including temporary employees) are expressly prohibited from any form of conduct which has the purpose and/or effect of interfering with another individual's work performance or which creates a hostile, offensive or intimidating work environment. Sexual harassment includes conduct directed at members of the same as well as the opposite sex.
2. Examples of prohibited conduct include, but are not limited to:
 - a. Unwanted offensive sexual flirtation, advances, propositions, touching, or hugging.
 - b. Graphic or suggestive comments concerning a person's dress or body.
 - c. Display of sexually suggestive objects or pictures.
 - d. Display of degrading objects, pictures, or making inappropriate comments specific to gender, age, ethnicity, disabilities, religion, national origin, or race.
 - e. Non-verbal harassment including suggestive or insulting sounds, leering, whistling, obscene gestures, or inappropriate electronic or voice mail messages.
3. Employees who believe they are being subjected to any form of discrimination or harassment are encouraged to report the incident within fifteen (15) calendar days for investigation and resolution.
4. Complaints of discrimination or harassment should be made to one of the following:
 - a. The employee's immediate supervisor.
 - b. Any supervisor in the employee's chain of command.
 - c. The employee's division commander, bureau deputy chief, or the Chief of Police.
 - d. Internal Affairs.
 - e. Director of Human Resources (or designee).
5. The employee may bypass the immediate supervisor or anyone else in the chain of command if the employee is uncomfortable in making the report to that person.
6. Employees have the right to report any discriminating or harassing conduct without fear of retaliation of any kind or form. Employees who file false or malicious allegations of discrimination or harassment will be subject to disciplinary action up to and including termination.
7. In order to minimize discrimination or harassment allegations and complaints, employees are encouraged to notify the offending party that the conduct is unwelcome and offensive. Often this notification will terminate the offensive behavior. Such notice is not required but is encouraged where appropriate.
8. The receipt, investigation, and determination of any act prohibited by this policy shall be carried out in accordance with Policy 304A, *Complaints Against Police Employees*.
9. If an employee files a formal complaint or if a complaint has not been filed but the manager or supervisor is aware of circumstances where discrimination or harassment may be occurring, it is the responsibility of that manager or supervisor to advise the Chief of Police or Human Resources Director (or designee) of the matter in writing as soon as the supervisor becomes aware of the possibility of it.
10. It is the responsibility of managers and supervisors to read, understand, and implement this policy and to assure that their employees comply with the provisions of this policy to the best of their ability. It is also their responsibility to assure employees that discrimination and harassment will not be tolerated in the workplace and

to take immediate action if they become aware of such discrimination or harassment.

11. It is the responsibility of managers and supervisors to counsel employees to be sensitive to others and to avoid making comments that may embarrass co-workers, even if such comments do not rise to the level of harassment.
12. A copy of the findings of any investigation by the Police Department of allegations of discrimination or harassment shall be provided to the Human Resources Director prior to taking any disciplinary action against the employee. After conferring with the Human Resources Director (or designee), the Human Resources Director shall be notified of any disciplinary action taken.
13. If the alleged harassment or discrimination complaint is made to the Human Resources Director (or designee), investigation procedures shall be in accordance with *City of Tulsa Personnel Policies and Procedures*, Section 411 *Disciplinary Guidelines*.
14. Employees will receive annual refresher training in Respectful Workplace.

REGULATIONS:

1. Failure of any manager or supervisor to take action, as required by this policy, will be grounds for discipline up to and including termination.
2. All complaints filed, investigations conducted, and disciplinary action recommended and/or taken shall be handled in a confidential manner to the extent that is reasonably possible so that neither parties involved, nor the Tulsa Police Department will suffer unnecessary embarrassment, intimidation, or other undesired consequences.

REFERENCES:

304A, *Complaints Against Police Employees*

City of Tulsa Personnel Policy and Procedures, Section 411, *Disciplinary Guidelines*

City of Tulsa Personnel Policy and Procedures, Section 421, *Discrimination Complaints*

Collective Bargaining Agreement, Article 4,7,11, & Appendix B