



# VIA TRANSIT POLICE DEPARTMENT

## Standard Operating Procedures



### Section 303 – Workplace Harassment and Discrimination

Office with Primary Responsibility:	COP	Effective Date:	March 5, 2019
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Office(s) with Secondary Responsibilities:		Number of Pages:	3
Forms Referenced in Procedure:	None	Related Procedures:	ALL

#### .01 INTRODUCTION

- A. This procedure is intended to promote and maintain a healthy working environment which affords officers the opportunity to perform their duties to the fullest potential, and to provide a process for reporting, investigating, and resolving complaints of discrimination and harassment, including sexual harassment.
- B. The reporting, investigating, and resolving complaints of discrimination and harassment, including sexual harassment involving civilian employees are handled in accordance with VIA’s Salaried Employee Manual.

#### .02 POLICY AGAINST HARASSMENT AND DISCRIMINATION

The VIA Metropolitan Transit Police Department strictly prohibits and will not tolerate any discrimination, harassment, inappropriate behavior, or sexual harassment of any person. The Department will take direct and immediate action to prevent and correct any such behavior involving instances of discrimination, harassment, inappropriate behavior, or sexual harassment.

#### .03 PROHIBITED ACTIVITIES

- A. Members (both sworn and civilian) of the Department shall not explicitly or implicitly ridicule, mock, deride, or belittle any person on the basis of sex, age, race, national origin, ancestry, citizenship, religion, disability, or sexual orientation.
- B. Members (both sworn and civilian) shall not make offensive or derogatory comments to any person, either directly or indirectly, based on sex, age, race, national origin, ancestry, citizenship, religion, disability, or sexual orientation.
- C. Members (both sworn and civilian) shall not circulate written or graphic materials which ridicule, belittle, or embarrass any person on the basis of sex, age, race, national origin, ancestry, citizenship, religion, disability, or sexual orientation.
- D. Members (both sworn and civilian) shall not engage in conduct that could be construed as inappropriate behavior, sexual harassment or any other significant behavioral infraction.
- E. Sexual Misconduct
  - 1. Members (sworn and civilian) are prohibited from engaging in sexual conduct while:
    - a. On-duty;
    - b. In uniform;
    - c. Working off-duty (extension of police services);
    - d. Officially representing the VIA Metropolitan Transit Police Department;
    - e. In a mentoring capacity (example: Direct Supervision, F.T.O., etc.); or
    - f. Using their position with the VIA Metropolitan Transit Police Department, in any capacity;



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#### **.04 OFFICERS' RESPONSIBILITIES**

- A. Members (both sworn and civilian) are responsible for assisting in the prevention of discrimination, harassment, inappropriate behavior, or sexual harassment of any person by:
  - 1. Refraining from participating in or encouraging any actions or statements that could be perceived as discrimination, harassment, inappropriate behavior, or sexual harassment;
  - 2. Reporting acts of discrimination, harassment, inappropriate behavior, sexual harassment, or sexual misconduct, and
  - 3. Encouraging any member (both sworn and civilian) who confides that he/she is being discriminated against, harassed, or subjected to inappropriate behavior or sexual harassment to report these acts.

#### **.05 SUPERVISORY OFFICER RESPONSIBILITIES**

- A. Refraining from participation in or encouragement of actions that could be perceived as discrimination, harassment, inappropriate behavior, or sexual harassment.
- B. Ensuring the workplace has an atmosphere free from discrimination, harassment, inappropriate behavior, or sexual harassment.
- C. Taking immediate and appropriate remedial action whenever they observe, or are made aware of, any actions or conduct that may be interpreted as discrimination, harassment, inappropriate behavior, or sexual harassment.
- D. Immediately document any complaint or observed incident, noting the person(s) performing or participating in the discrimination, harassment, inappropriate behavior, or sexual harassment, the dates on which it occurred, and any action taken to correct or address the offensive behavior.
- E. Within twenty-four (24) hours, submit all reports of discrimination, harassment, inappropriate behavior, or sexual harassment which is complained of or observed to the Chief of Transit Police.

#### **.06 REPORTING AND COMPLAINT PROCEDURE**

- A. The Department strongly urges any officer who believes he/she has been subjected to conduct (verbal or physical) prohibited by any part of this policy, or knows of any officer's conduct that could be a violation of this policy, to report the matter immediately. Officers are assured there will not be any retaliation for making any report. Reports should be made as follows:
  - 1. Immediately report the prohibited conduct to your immediate supervisor, unless the supervisor is a participant in the prohibited conduct.
  - 2. If the supervisor is a participant in the prohibited conduct, or if for any reason, you feel uncomfortable reporting the complaint to the immediate supervisor, the report should be made to the next level of supervision. If for any reason, you feel uncomfortable reporting the complaint to any level of Transit Police supervision, the report may be made to the VIA Metropolitan Transit Authority's Equal Employment Opportunity Office located at 800 W. Myrtle Street, Suite 102, San Antonio, TX 78212.
- B. After a report or complaint has been received by a supervisory officer, the officer is responsible for complying with Subsections .05C through E above, as well as for immediately taking all appropriate steps to prevent any further discrimination, harassment, inappropriate behavior, or sexual harassment. A report of prohibited conduct must be submitted to the Chief of Transit Police by the supervisory officer within twenty-four (24) hours of the receipt of the complaint or her/his observance of the prohibited conduct, whichever is applicable.



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- C. The Chief of Transit Police will commence the investigation of the complaint within twenty-four (24) hours of the receipt of the complaint. The investigation will also be conducted as confidentially as possible under the circumstances, consistent with the need to talk to potential witnesses, and to otherwise gather information.
- D. At the conclusion of the investigation, the person will be advised of the Department's determination. If the investigation determines the evidence substantiates the complaint, the Department will promptly take additional appropriate remedial action, if necessary, and the complainant will be notified of the action to be taken by the Department. Officers determined to have violated the policy will be dealt with severely and will be subject to disciplinary action up to and including termination.

#### **.08 NON-RETALIATION**

The Department prohibits any retaliation against any person for making reports of discrimination, harassment, inappropriate behavior, or sexual harassment. As noted above, the Department emphatically urges all violations of this procedure be reported immediately.