



# SEXUAL HARASSMENT AND ALL OTHER FORMS OF UNLAWFUL HARASSMENT

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### I. Purpose

The purpose of this Written Directive is to maintain a healthy work environment and to provide procedures for reporting and conducting investigations of complaints of sexual or unlawful harassment.

### II. Policy

It is the policy of the University of Maryland Baltimore Police Force (UMBPF) that all employees shall have the right to work in an environment free of sexual harassment and all other forms of unlawful harassment. The UMBPF does not permit, condone or tolerate sexual harassment or any other form of unlawful harassment. The UMBPF shall take direct and immediate action to prevent such behavior and to remedy all reported instances of sexual and unlawful harassment.

### III. Authority

The Equal Opportunity Commission (EEOC) requires “affirmative steps” toward the elimination of sexual harassment in the workplace by expressing strong disapproval, developing appropriate sanctions and informing employees of their right to raise the issue of harassment. Strong preventative and remedial action by an employer can help avoid or minimize the employer’s liability

for the harassment and diminish the incidence of harassment.

### IV. Definitions

#### A. Sexual Harassment

1. Sexual harassment is defined as unwelcome advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly as a term or condition of an individual’s employment, submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual, or such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance, or of creating an intimidating, hostile, or offensive working environment.

2. The following is a partial list of the types of activities that could be considered Sexual Harassment:

- a. Unwanted or physical touching
- b. Jokes consisting of derogatory, vulgar and/or uncomplimentary language of a sexual nature.
- c. Unwanted, unwelcomed and unsolicited propositions
- d. Offensive language spoken that is of a sexual nature
- e. Holding up to ridicule, or otherwise abusing a member of one sex to another.
- f. The placing of sexually explicit material in work areas
- g. Notes and other messages made of a sexual nature either signed or anonymously placed on bulletin boards, lockers, desks, etc.

## B. Unlawful Harassment

Unlawful harassment is defined as conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. This form of harassment will not be condoned and is prohibited in the workplace.

## V. Reporting Requirements

### A. Investigations

To determine whether alleged conduct constitutes sexual harassment or unlawful harassment, the UMBPF will look at the record as a whole and at the totality of the circumstances. Investigating the totality of the situation may include looking at the nature of the sexually oriented speech or behavior and the context in which alleged incidents of unlawful harassment occurred. The determination of whether a particular action is sexual harassment or unlawful harassment will be made from all the facts and on a case-by-case basis.

### B. Compliance

All UMBPF employees are responsible for compliance with the UMS Policy on Sexual Harassment and the UMB Policy and Procedures on Sexual Harassment. The directives contained within the policy identify specific policies and procedures that include, but are not limited to, the prohibition of sexual harassment in the workplace and a means by which sexual harassment can be reported, even if offending parties are in the complainants' chain of command.

### C. Reporting Deadlines

1. Allegations of sexual harassment and or unlawful harassment should be reported in a timely fashion. Complaints should be filed within thirty (30) days of the incident perceived as sexual or unlawful harassment. Reporting an incident more than thirty (30)

days after it occurs can hinder the ability of the UMBPF to investigate the matter.

2. To protect legal rights and remedies available through the University, the federal courts and/or the state courts, certain time deadlines must be met in connection with University or external filings. These deadlines are:

- a. Grievance system (30 calendar days)
- b. Equal Employment Opportunity Commission (180 calendar days)
- c. Maryland Commission on Human Relations (6 months)

3. Failure to meet these deadlines can result in a loss of all rights to seek a legal remedy for the complaint.

## VI. Supervisor Responsibilities

### A. Prevention

1. Each supervisor shall be responsible for preventing acts of sexual harassment and unlawful harassment. This responsibility includes:

- a. Monitoring the work environment on a daily basis for signs that sexual harassment or unlawful harassment may be occurring.
- b. Counseling all employees on the types of behavior prohibited and the University procedures for reporting and resolving complaints of sexual harassment and unlawful harassment.

c. Stopping an observed act that may be considered sexual harassment or unlawful harassment and taking appropriate steps to intervene, whether or not the involved employees are within their direct line of supervision.

d. Taking immediate action to limit the work contact between two employees where there has been a complaint of sexual harassment or unlawful harassment, pending investigation.

2. Each employee is responsible for assisting in the prevention of sexual or unlawful harassment through the following acts:

- a. Refraining from participation in, or encouragement of, actions that could be perceived as sexual harassment or unlawful harassment.
  - b. Reporting acts of sexual harassment or unlawful harassment to a supervisor.
  - c. Encouraging an employee, who confides that they are being sexually or unlawfully harassed, to report these acts to a supervisor.
3. Failure to take action to stop known acts of sexual or unlawful harassment shall be grounds for discipline.

#### B. Documentation

If an employee notifies a supervisor of a sexual harassment or an unlawful harassment situation, the supervisor will assist the employee in documenting and filing a complaint. The supervisor will also report the incident through the chain of command to the Director of Public Safety as outlined in this Written Directive.

### VII. Complaint and Investigation Procedures

#### A. Employee Responsibilities

- 1. Employees encountering acts of sexual or unlawful harassment shall tell the person that their actions are unwelcome and offensive. The employee shall document all incidents of sexual or unlawful harassment in order to provide information in detail for the investigation.
- 2. An employee who believes that they are being sexually or unlawfully harassed shall report the incident(s) to their supervisor as soon as possible so that steps may be taken to protect the employee from further harassment. Appropriate investigative and disciplinary measures may then be initiated. When the offending party is in the complainant's chain of command the employee may instead file a complaint with another supervisor or the Director of Public Safety, or designee.
- 3. The supervisor or other person to whom a complaint is given shall meet with the

employee and document the incident(s), the person(s) performing or participating in the harassment and the date on which it occurred.

4. The supervisor taking the complaint shall submit it through the chain of command to the Director of Public Safety.

5. The Director of Public Safety will assign an investigator to investigate complaints of sexual or unlawful harassment. The investigator shall be responsible for investigating the complaint alleging sexual or unlawful harassment.

6. Investigations involving sworn police personnel will be conducted in accordance with UMBPF guidelines and the Law Enforcement Officers Bill of Rights. When evidence is found concerning criminal activity such as Battery, Rape, or Attempted Rape:

a. The investigator shall immediately notify the Director of Public Safety or designee. The Director of Public Safety or designee will then notify the State's Attorney's Office.

b. The investigator shall include a determination of whether other employees are being harassed by the person and whether other UMBPF members participated in, or encouraged the harassment.

c. The Assistant Director shall notify the parties involved of the outcome of the investigation.

d. A file of sexual or unlawful harassment complaints shall be maintained in the Office of the Assistant Director. The Director of Public Safety shall be provided with an annual summary of these complaints.

7. The investigation shall be kept confidential to the maximum extent possible with the allegations made available only to those who need to know.

8. There shall be no retaliation against any employee for filing a harassment complaint, or assisting, testifying, or participating in the investigation of such a complaint made in

good faith. Similarly, the UMBPF will not tolerate or condone the deliberate filing of false accusations of sexual or unlawful harassment.

9. If the complainant decides to file a grievance, they must initiate the grievance within 30 calendar days of incident in accordance with Section VII – 8.00 of the UMS Bylaws, Policies and Procedures available on the UMB website.

10. This policy does not preclude any employee from filing a complaint or grievance with the Equal Employment Opportunity Commission and/or the Maryland Commission on Human Relations.

**B. Employee Assistance Program**

Employees are encouraged to contact the Employee Assistance Program or personal counselors to secure assistance in coping with stress that can result from employment-related sexual or unlawful harassment or from participation in the investigation of sexual or unlawful harassment complaints (See Written Directive 4.6 “Leave & Benefits” of the Police Force Manual).

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