



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 918 —Discrimination, Harassment, Retaliation, and Sexual Harassment in the Workplace

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Forms Referenced in Procedure:	None	Related Procedures:	904, 925

.01 INTRODUCTION

- A. This procedure is intended to promote and maintain a healthy working environment which affords members (both sworn and civilian) the opportunity to perform their duties to the fullest potential, and to provide a process for reporting, investigating, and resolving complaints of discrimination, harassment, retaliation, and/or sexual harassment.
- B. The reporting, investigating, and resolving complaints of discrimination, harassment, retaliation, and/or sexual harassment, made against civilian employees are handled in accordance with City Administrative Directive 4.67, *Equal Employment Opportunity/Anti-Harassment*.

.02 POLICY AGAINST HARASSMENT, DISCRIMINATION, AND RETALIATION

The San Antonio Police Department strictly prohibits and will not tolerate any discrimination, harassment, retaliation, and/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, retaliation, or sexual harassment.

.03 TERMINOLOGY (For specific use within this procedure, see Glossary)

Discrimination	Harassment	Sexual Harassment
Retaliation	Gender identity/expression	

.04 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, or gender identity/expression.
- 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, sexual orientation, or gender identity/expression.
- 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, sexual orientation, or gender identity/expression.
- D. Members (both sworn and civilian) shall not engage in conduct that could be construed as sexual harassment or any other significant behavioral infraction.

.05 MEMBERS' RESPONSIBILITIES

- A. Members (both sworn and civilian) are responsible for assisting in the prevention of discrimination, harassment, retaliation, and/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, retaliation, and/or sexual harassment.



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2. Reporting acts of discrimination, harassment, retaliation, sexual harassment; and
3. Encouraging any member (both sworn and civilian) who confides that he/she is being discriminated against, harassed, retaliated against, or subjected to sexual harassment to report these acts.

.06 SUPERVISORY MEMBER RESPONSIBILITIES

- A. Refraining from participation in or encouragement of actions that could be perceived as discrimination, harassment, retaliation, and/or sexual harassment.
- B. Ensuring the workplace has an atmosphere free from discrimination, harassment, retaliation, and/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, retaliation, and/or sexual harassment.
- D. Immediately document any complaint or observed incident, noting the person(s) performing or participating in the discrimination, harassment, retaliation, and/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, retaliation, and/or sexual harassment which has generated a complaint or has been observed involving an Officer, to the Internal Affairs Unit.
- F. For complaints made against a civilian, supervisors must follow the “*Reporting Procedures*” outlined in Administrative Directive 4.67, *Equal Employment Opportunity/Anti-Harassment*.

.07 REPORTING AND COMPLAINT PROCEDURE

- A. The Department strongly urges any member who believes he/she has been subjected to conduct (verbal or physical) prohibited by any part of this policy or knows of any member’s conduct that could be a violation of this policy, to report the matter immediately. Members 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.
- B. After a report or complaint has been received by a supervisor, the supervisor is responsible for complying with Subsections .06C through F above, as well as for immediately taking all appropriate steps to prevent any further discrimination, harassment, retaliation, and/or sexual harassment.
 1. For a complaint against a sworn member a report of prohibited conduct must be submitted to the Internal Affairs Unit 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.
 2. For a complaint against a civilian member the “*Reporting Procedures*” in AD 4.67 *Equal Employment Opportunity/Anti-Harassment* must be followed
- C. For a complaint against a sworn member the Internal Affairs Unit 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



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as possible under the circumstances, consistent with the need to talk to potential witnesses, and to otherwise gather information.

- D. If at any time a person believes inadequate action is being taken to resolve their complaint that person should bring this matter to the attention of the Internal Affairs Unit or civilian Human Resources Representative (HRR). If other issues or other instances of prohibited conduct arise after the complaint, the person should immediately bring these to the attention of the Internal Affairs Unit or civilian HRR.
- E. 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. Members determined to have violated the policy will be dealt with severely and will be subject to disciplinary action up to and including termination.
- F. If a person believes the investigation or the remedial action taken was insufficient, that person should promptly advise the Internal Affairs Unit or civilian HRR and explain why the person believes it was insufficient and also advise it of any additional matters that should be considered so these matters may be addressed.
- G. If violations of these policies continue despite the remedial action undertaken by the Department or if any retaliation should occur contrary to the Department's policies, the persons affected should immediately report same to the Internal Affairs Unit or civilian HRR.

.08 NON-RETALIATION

The Department prohibits any retaliation against any person for making a complaint, report, charge of discrimination, harassment, retaliation, sexual harassment, for testifying, assisting or otherwise participating in any manner in an investigation, proceeding or hearing regarding discrimination, harassment, retaliation, and/or sexual harassment. As noted above, the Department emphatically urges all violations of this procedure be reported immediately.

.09 DISCIPLINARY ACTIONS

- A. The San Antonio Police Department considers discrimination, harassment, retaliation, and/or sexual harassment a serious form of employee misconduct. The Department shall take direct and immediate actions to prevent such behavior, and to remedy all reported instances of discrimination, harassment, retaliation, and/or sexual harassment.
- B. Members (both sworn and civilian) who are found to have engaged in discrimination, harassment, retaliation, and/or sexual harassment in violation of this policy will be subject to appropriate corrective action including, but not limited to, discipline such as discharge.
- C. Members (both sworn and civilian) accused of discrimination, harassment, retaliation, and/or sexual harassment may appeal in accordance with Department/COSA AD 4.67 procedures when they disagree with the final disposition of a complaint.

.10 PREGNANCIES

- A. The San Antonio Police Department is prohibited by law from requiring pregnant employees to be placed on limited or light duty assignment. A pregnant officer may request assignment to limited duty as provided in GM Procedure 904, *Limited Duty Assignments*. A pregnant civilian employee may request assignment to "light duty" as provided in City Administrative Directive 4.37.
- B. A request from a pregnant member for a limited duty assignment will be reviewed and acted upon promptly on the same basis as a request for limited duty made by similarly situated, non-pregnant employee.



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- C. An officer member who feels she has been discriminated against due to her pregnancy, childbirth, or related medical conditions may complain verbally or in writing to the Executive Officer in the Office of the Chief and all such complaints will be promptly investigated as directed by the Chief. A civilian employee who feels she has been discriminated against due to her pregnancy, childbirth, or related conditions may complain verbally or in writing to the City's Equal Employment Opportunity Office, and all such complaints will be promptly investigated as directed by the Chief.

- D. The San Antonio Police Department will make a good faith effort to investigate an employee's complaint of discrimination due to her pregnancy. A complainant will be notified of the findings, in writing, no later than thirty (30) days after the date the complaint is received.