

AUGUST ROLL CALL TRAINING

High-Risk Critical Task/Sexual Harassment, Discrimination, Misconduct

Name _____ Date _____

It is the policy of this agency to prohibit sexual harassment and sexual discrimination in any form and to provide employees with a mechanism for reporting and resolving allegations of sexual harassment and discrimination.

Sexual Harassment includes any unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct when:

- Submission to such conduct is made, either explicitly or implicitly, 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 such individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Examples include pressure for dates, sexual jokes, teasing, requests for sexual favors, touching, pinching, blocking/cornering, sending materials of sexual nature, and sexual assault.

Supervisors and all employees have an obligation to provide a work environment free of harassment. This includes taking steps to ensure that the agency can prevent prohibited harassment whether it is done by supervisors, co-workers, or non-employees (such as vendors working with the agency or supplying services). All employees within the agency have an obligation to promptly report violations of this policy. This would include sexual harassment, sexual discrimination, and indicators of a hostile, offensive work environment that the employee experiences, witnesses, or otherwise has knowledge of.

Law enforcement officers are empowered with authority by their government to protect the public from criminal activity. When a law enforcement or corrections officer abuses their authority for sexual purposes and violates another person, they not only commit a crime against the victim, but they damage the credibility and public's trust of the entire law enforcement and corrections community. All employees are cautioned that any violation of the public trust involving sexual misconduct will result in severe consequences including prosecution to the fullest extent possible.

Scenario: A deputy (witness deputy) heard a senior deputy on the shift repeatedly making comments of a sexual nature to a new female deputy. The female deputy stopped talking, turned away, and appeared visibly upset. Later, the deputy asked the female deputy if she was okay. She told him that the senior deputy has been asking her out on dates, texting her messages with sexual innuendo, and texting her sexual memes. She said that she told the senior deputy she has a boyfriend and is not interested in him, yet he persists.

Question: According to agency policy, what should the witness deputy do?

Answer: Report the situation to his supervisor or Internal Affairs. All employees with the agency have an obligation to report violations of this policy.

Additional Scenario Details:

The witness deputy reports the situation to the sergeant, and the sergeant notifies the chain of command and Internal Affairs. Internal Affairs conducted an investigation that revealed (1) the senior deputy asked the female deputy out on dates repeatedly over the past three months, (2) there were ten text messages where the senior deputy asked the female deputy out on dates, (3) the female deputy replied in a text, “thanks, but I have a boyfriend so I can’t,” the first time she was asked out and gave no response to the subsequent texts, (4) the senior deputy sent the female deputy ten memes that contained sexual innuendo and three memes that were sexually explicit, and (5) on nights that the senior deputy and the female deputy worked together, the female deputy’s productivity was noticeably less than nights they did not work together.

Question: Does the investigation establish a violation of policy?

Answer: Yes. Specifically, the senior deputy (1) made sexual advances (verbal comments, texts and sexually related memes) that (2) were unwelcome (she replied “thanks, but I have a boyfriend so I can’t”), and (3) the sexual advances unreasonably interfered with the female deputy’s work performance.

The content of this Roll Call is derived from the Law Enforcement High-Risk Critical Task Lesson Plans of Legal and Liability Risk Management Institute (LLRMI). It has been edited by NIRMA for Nebraska agencies.