

GENERAL ORDER

April 2016

Immediately

II-25

Distribution: All Employees

Subject: **DISCRIMINATION AND HARASSMENT**

Index as:	Discrimination	Hostile Work Environment	Sexual Harassment
	Disparaging Terms	Inappropriate Behavior	Transgender
	Harassment	Personal Discrimination	

Accreditation Standards: 26.1.3, CFA 7.07

Cross Reference: [G.O. III-36, Interactions with Transgender Individuals](#)
[G.O. IV-01, Rules of Conduct](#)
 City Administrative Policy #010502
 Florida State Constitution, Article 1, Section 2
 §760.10, F.S.S., Unlawful Employment Practices

Replaces: G.O. II-25, Discrimination and Harassment (June 10, 2022)

This Directive establishes guidelines for recognizing and reporting cases related to discrimination and all forms of harassment. It consists of the following sections:

- I. Policy
- II. Definitions
- III. Inappropriate Behavior
- IV. Complaint Reporting Process
- V. Investigative Protocols

I. POLICY

A. The St. Petersburg Police Department prohibits all forms of harassment in the workplace, regardless of the source and provides means by which harassment can be reported, including a means by which it can be reported if the offending party is in the complainant’s Chain of Command, and protocols for investigations.

B. The St. Petersburg Police Department will provide an environment that is free from discrimination and harassment for both employees and citizens. To this end, the Department will conduct its affairs, duties, and responsibilities free from discrimination in accordance with the laws of the United States, the State of Florida, and the policies and procedures of the City of St. Petersburg.

C. The St. Petersburg Police Department will ensure all employees are provided equal treatment regardless of their race, color, national origin, religion, gender (including pregnancy), marital status, age, disability, sexual orientation, genetic information, gender identity, or other protected categories as designated in the laws of the United States, the State of Florida, and the policies and procedures of the City of St. Petersburg (called “protected categories” and “protected characteristics” in this document).

D. The St. Petersburg Police Department will not permit, tolerate, or condone acts of discrimination; harassment by a specific act, inference, or omission; and/or sexual harassment by any employee of the St. Petersburg Police Department against another employee, citizen, or visitor to the City of St. Petersburg.

E. Department Supervisors, Managers, and Administrators will take appropriate action to ensure an environment free of discrimination, harassment, and/or sexual harassment.

II. DEFINITIONS

A. Discrimination – The treatment of one or more persons/coworkers in a manner different from other similarly situated persons/coworkers where the different treatment is based on, or related to, that person's/coworker's race, color, national origin, religion, gender, marital status, age, disability, sexual orientation, genetic information, gender identity, or other protected categories. Discrimination can exist in the following formats:

1. Disparaging Terms – Terms used to degrade or infer negative statements pertaining to race, color, national origin, religion, gender, marital status, age, disability, sexual orientation, genetic information, gender identity, or other protected categories. Such terms may include slurs, insults, jokes, printed or electronic materials or communications, visual materials, signs, symbols, posters, graffiti, or insignia. The mere usage of disparaging terms constitutes discrimination.

2. Personal Discrimination – Action taken by an individual or group to deprive a person or group of a right, opportunity, privilege, or other benefit because of race, color, national origin, religion, gender, marital status, age, disability, sexual orientation, genetic information, gender identity, or other protected categories. Such discrimination can occur overtly, covertly, intentionally, or unintentionally by an act or by an omission.

a. Discrimination can be based on acts or beliefs related to:

- 1) Anti-Semitism
- 2) Homophobia
- 3) Prejudice
- 4) Racism
- 5) Sexism
- 6) Stereotyping
- 7) Or any other protected category

B. Harassment – Includes:

1. Any verbal or physical conduct that denigrates or otherwise shows hostility or aversion toward any individual or group based upon that individual's or group's race, color, national origin, religion, gender, marital status, age, disability, sexual orientation, genetic information, gender identity, or other protected categories and that for a reasonable person:

- a. Has the purpose or effect of creating an intimidating, hostile, abusive, or offensive work environment; or
- b. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- c. Has the purpose or effect of negatively altering an employee's term, condition, or privilege of employment;

or

d. Otherwise adversely affects an individual's employment opportunities or right to work in an environment free from discriminatory intimidation, ridicule, and insult.

2. Harassing conduct can occur between Supervisors and subordinates, between co-equal employees, between a subordinate employee and an employee of higher rank, or between an employee and a citizen or visitor to the City of St. Petersburg.

3. Examples of harassment include, but are not limited to:

a. Epithets, slurs, offensive jokes, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, interference with work performance, negative stereotyping, unwelcome remarks or other acts which are degrading, threatening, intimidating, or hostile in nature that relate to race, color, national origin, religion, gender, marital status, age, disability, sexual orientation, genetic material, gender identity, or other protected categories; or

b. Any display of written or graphic material, such as photographs or cartoons, that denigrates or shows hostility or aversion toward an individual or group because of an individual's or group's race, color, national origin religion, gender, marital status, age, disability, sexual orientation, genetic material, gender identity, or other protected categories.

C. Hostile Work Environment – Abusive treatment of a person/coworker by the employer or by a person or persons under the employer's control, which would not occur but for the person's race, color, national origin, religion, gender, marital status, age, disability, or sexual orientation, or other protected characteristic or category. The conduct must be sufficiently severe or pervasive to alter the conditions of the person's employment and create an abusive environment for the employee.

D. Inappropriate Behavior – Any conduct that, while not rising to the legal standard of harassment or discrimination, still denigrates or otherwise shows hostility or aversion toward any individual or group based upon that individual's or group's race, color, national origin, religion, gender, marital status, age, disability, sexual orientation, genetic material, gender identity, or other protected categories.

1. Remarks or activities, either intentional or unintentional, under circumstances which offend another person. Employees making the remark or involved in the activity may not realize they are offensive.

2. An example of inappropriate behavior would be a racially or sexually insensitive statement that offends, intimidates, or denigrates another employee or citizen. Although such a one-time statement may not rise to the legal level of harassment, the Department still considers such conduct inappropriate and in violation of policy.

E. Sexual Harassment – (See also Harassment, above) A form of sex discrimination in the terms or conditions of employment that includes efforts by co-workers or supervisors to make the workplace intolerable or at least severely and discriminatorily uncongenial to members of a certain sex and of efforts to extract sexual favors by threats or promises, including abusive treatment of an employee or citizen by an employer or by a person or persons under the employer's control, which would not occur but for the person's gender, gender identity, or gender expression when:

1. Submission to such unwelcome conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; or

2. Submission to such unwelcome conduct by an individual is used as the basis for employment decisions affecting the individual; or

3. Such unwelcome conduct has the purpose or effect of unreasonably interfering with any individual's work performance or creating an intimidating or offensive work environment;

4. Sexual harassment includes, but is not limited to:

- a. Unwelcome sexual advances, flirtations, or propositions;
- b. Actual or implied demands for sexual favors in exchange for favorable treatment or to avoid unfavorable treatment;
- c. Unwelcome jokes or remarks of a sexual nature;
- d. Verbal abuse of a sexual nature;
- e. Unwelcome commentary about an individual's body, sexual prowess, attractiveness, or sexual deficiency;
- f. Any display in the workplace of sexually suggestive objects, pictures, posters, or reading material;
- g. A coerced sexual act or assault;
- h. Uninvited physical contact of a sexual nature such as pinching, grabbing, patting, or brushing against another person;
- i. Uninvited leering, whistling, or gestures of a sexual nature; and
- j. Offensive remarks about a person's gender.

5. The victim as well as the harasser may be any gender or display any gender expression or gender identity. The victim does not have to be the opposite sex.

III. INAPPROPRIATE BEHAVIOR

A. Inappropriate behavior

1. Employees who are offended by remarks or other behaviors are strongly encouraged to put the offending employee on notice that their activities are inappropriate and notify their own Supervisor, another Supervisor, or the Office of Professional Standards of the situation.

2. If the offended employee feels uncomfortable confronting the offender, they should contact their Supervisor, another Supervisor, or the Office of Professional Standards.

IV. COMPLAINT REPORTING PROCESS

A. Any employee who believes that they are being discriminated against or harassed should report the incident(s) to one or more of the following:

1. The City of St. Petersburg Human Resources Department, Labor Relations
 - a. In person at Municipal Services Center, One 4th Street North (4th Floor) St. Petersburg, FL
 - b. Via email at: Labor@stpete.org.
 - c. Via phone 727 893 7481
2. The Office of Professional Standards
 - a. Via email at ops.stpete.org
 - b. Via phone at: 727-893-7596
 - c. For immediate assistance, contact Major, Office of Professional Standards at <http://stpsp1pd/sites/CARS/Phone%20Lists/Forms/AllItems.aspx>.
3. A Supervisor.

4. Nothing contained in this Order should be read to prohibit an employee from filing a complaint in any other legal manner such as with the Equal Employment Opportunity Commission, The Florida Commission on Human Relations, or a private legal action. In addition, nothing in this Order is intended to supersede any rights an employee may have pursuant to applicable laws such as the Police Officer Bill of Rights or applicable collective bargaining agreements.

5. Anonymous complaints of discrimination as well as all forms of harassment may be reported to the Office of Professional Standards. The complaint will receive the same attention and investigation as would any other complaint.

B. Any Supervisor who receives a complaint will immediately deliver the complaint to the Office of Professional Standards and provide the following:

1. Date received,
2. Time received, and
3. Substance of the initial complaint

VI. INVESTIGATIVE PROTOCOLS

A. The Office of Professional Standards

1. The Office of Professional Standards will immediately notify the Human Resources Department upon receipt of a complaint of discrimination or harassment.

2. The Office of Professional Standards is responsible for the investigation of all complaints of discrimination or harassment when Department Investigation is required. These matters will be investigated consistent with a formal Office of Professional Standards case pursuant to [G.O. II-10 Processing Complaints Against Personnel](#).

3. The investigation will include a determination whether there are allegations of other employees or citizens who are possibly being discriminated against or harassed by the employee(s), and whether other Department employees are alleged to have in, encouraged, or had knowledge of the discrimination or harassment.

4. Upon the conclusion of the Office of Professional Standards investigation, the complainant(s) and alleged offender(s) involved will be informed of the outcome.

B. There will be no retaliation against any employee or citizen for filing a discrimination or harassment complaint, or assisting, testifying or participating in the investigation of such a complaint.

Anthony Holloway
Chief of Police