



M.N.P.D FORM 101

**METROPOLITAN POLICE DEPARTMENT
NASHVILLE, TENNESSEE**

Roll Call Training / Shift Briefing

SUBJECT: Harassment and Discrimination Policy Update: Zero Tolerance	REVISED: March 4, 2025	RESCINDS: N/A
REFERENCE: MNPD Manual 4.50, Harassment and Discrimination	EFFECTIVE DATE: March 4, 2025	DISTRIBUTION CODE: ALL PERSONNEL

I. PURPOSE

The purpose of this roll call training document is to make MNPD personnel aware of the introduction of a sexual misconduct definition in the Harassment and Discrimination policy and provide additional guidance when addressing harassment and/or discrimination complaints. Additionally, language has been added for clarity that the MNPD has **zero tolerance** for harassment and discrimination, including, but not limited to, sexual harassment and sexual misconduct.

The attached revision of 4.50, Harassment and Discrimination, shall serve as official policy until the MNPD Manual has been revised to include the update.

In accordance with the current MNPD Manual on the Departmental Directives System, supervisors shall conduct appropriate roll call training to ensure all employees under their command are aware of the new directive(s) contained herein by electronically signing within PowerDMS.

This roll call training should be viewed in PowerDMS, under “Documents” and properly signed for, acknowledging receipt and understanding of this training. Additionally, departmental roll call trainings may be accessed through the department’s PDWeb site by clicking on the link for “Manual” and then “Roll Call Training – MNPD Manual Revisions”.

<https://metronashville.sharepoint.com/sites/MNPDStrategicDevelopment/SitePages/Roll-Call-Training---MNPD-Manual-Revision.aspx>

II. KEY POINTS TO COVER DURING ROLL CALL TRAINING

Pending formal revision of the Manual, the following document is provided as Roll Call Training for all employees and the attached revision of 4.50, Harassment and Discrimination, shall serve as official policy until the MNPD Manual has been revised to include the update. Employees shall review the entire policy and information herein.

Employees are reminded that, pursuant to MNPD Manual 4.50.020, the *“...Metropolitan Nashville Police Department **will not** tolerate, condone, or allow harassment and discrimination, including but not limited to, sexual harassment and sexual misconduct by employees or of employees...”* and *“...A violation of this policy can lead to corrective action or discipline, up to and including termination. Repeated violations will result in greater levels of discipline as appropriate. **This is a zero-tolerance policy.**”*

Employees are also reminded that in addition to MNPD policies and procedures regarding harassment and discrimination, as well as Mayor Freddie O’Connell’s [Executive Order 23](#), Civil Service Rules and Policies apply to all employees, in particular the [Metropolitan Government Civil Service Policy 3.1-I, Guidelines on Discrimination](#) which states in part *“The Metropolitan Government prohibits sexual harassment of any employee.”*

Sexual Misconduct

Sexual Misconduct is an addition to the MNPD policy to provide clarity and additional specificity. To a significant extent, sexual misconduct largely prohibits criminal conduct already prohibited under state or federal law. This behavior, as a violation of law, is already prohibited under MNPD Manual 4.20.040 Personal Behavior, B. Adherence to Law:

- 1. Employees are prohibited from engaging in conduct, on or off-duty, which constitutes an offense under the laws or ordinances of the United States or any subdivision thereof.*

Although the above reference to MNPD Manual 4.20.040(B) Adherence to Law is applicable to all laws and ordinances, local, state and federal; for additional guidance on state law violations that may constitute sexual misconduct (e.g. sexual battery, rape, etc.), employees may refer to Tennessee Code Annotated, Title 39, Section 13, Part 5, Sexual Offenses ([LINK](#)).

Additionally, the following examples of behaviors may be applicable to law enforcement encounters and can be a violation of policy and/or law:

- Negligently or intentionally exposing any uncovered genitalia, buttocks, or breasts to a member of the community or co-worker.
- Engaging in unauthorized or unlawful sexual acts or behavior while on-duty, when in uniform or wearing insignia, logo, patch, similar indicia of a law enforcement officer.
- Using government equipment such as laptops and cellular phones for sexual gratification, such as sexting, taking unnecessary or inappropriate photos/videos of themselves, community members, detainees, or co-workers.
- Possessing or sending sexually inappropriate material while on-duty, unless the employee can demonstrate a legitimate law enforcement purpose, for example as part of an investigation into criminal activity or employee misconduct.
- Using law enforcement position, assignment, badge, identification card, insignia, logo, patch, similar indicia of a law enforcement officer to solicit, initiate, or coerce sexual contact with anyone. This includes sexual “shakedowns”, such as extorting sexual favors in exchange for not ticketing or arresting a member of the community, regardless of duty status.
- Using law enforcement agency equipment (e.g. firearm, energy weapon, blunt instrument, or any other weapon) to intimidate, force, or coerce sexual contact with anyone.
- Unnecessary contacts not related to an official business purpose and sexually motivated, such as unwarranted callbacks or visits to crime victims, witnesses, or suspects, initiating a traffic stop or investigative detention for personal reasons not related to an official business purpose.
- Inappropriate and unauthorized use of law enforcement agency resources or information systems, such as obtaining telephone numbers or addresses of community members, for unauthorized purposes, sexually motivated, or as part of a pattern of domestic violence and/or stalking behaviors, regardless of duty status.
- Attempting to initiate sexual contact or engaging in a sexual act with anyone contacted within the context of law enforcement duties and activities
- Law enforcement agency employee relationships with members of the community that constitute a conflict of interest when working for the agency, such as agency personnel engaging in a sexual relationship with a victim of a crime during or after the conclusion of investigation.
- Attempting to initiate sexual contact or engaging in a sexual act with any juvenile, including participants in a Police Cadet program or other youth program, such as Drug Abuse Resistance Education (DARE) or Gang Resistance Education and Training (GREAT), or between School Resource Officers and students.

- Voyeuristic acts committed against community members, such as looking in residences or vehicles for sexually motivated purposes, or as part of a pattern of stalking behaviors.
- Voyeuristic acts committed against detainees, both in agency vehicles and jails/prisons, including invasions of privacy that are unrelated to official duties, such as peering at an arrestee using a toilet; requiring an arrestee to expose his/her buttocks, genitals, or breasts; or taking images of all or part of an arrestee's naked body or of an arrestee performing bodily functions.
- Gratuitous physical contact with suspects or detainees, such as inappropriate, or unnecessary searches, frisks, or pat downs.
- Unlawful search to assign gender, such as the search or pat down of a person for the purpose of viewing or assigning gender based on the person's anatomy or genitalia or for any demeaning or harassing purpose is prohibited.

Early Warning Signs

All personnel are expected to be mindful of early warning signs and behaviors that may be applicable to law enforcement encounters that could lead to allegations of sexual misconduct. Awareness of these early warning signs and patterns of concerning behavior are meant to deter potential misconduct and to guide intervention before policy violations occur. Early warning signs include, but are not limited to:

- Aggressiveness, abuse of power, excessive or increasing use of force.
- Unusually high incidence of physical altercations or verbal disputes, in comparison with other personnel responding to the same types of calls or incidents.
- Public or employee complaints of aggression, harassment, stalking, or physical, and/or verbal abuse.
- Public or employee complaints regarding sexually suggestive comments/jokes, or comments about women that are objectifying/degrading with respect to gender, sexual orientation, or LGBTQ+ people in the sex trades, and survivors of sexual or domestic violence.
- Excessive/unnecessary call-backs or visits to the homes or workplaces of victims, witnesses, and suspects.
- Stalking or inappropriate surveillance activities and/or the misuse of police technology and information systems.
- Consistent patterns of time not accounted for, not answering calls for service, or patrolling or investigating out of assigned areas of responsibility.
- Suspicious patterns of enforcement and engagement activity, including traffic stops, ticketing, detentions, arrests, such as times, locations, race, gender, gender identity, age, etc.

- Suspicious patterns of activity such as frequent patrol of places where people may be believed to engage in sexual activity, sex worker locations, vulnerable populations, campus residence halls, LGBTQ+ hangouts.
- Suspicious patterns regarding frequent volunteer transports, such as picking up intoxicated or vulnerable populations and offering rides, not calling in mileage.
- Suspicious patterns of use, or inconsistent use, of in-car or body-worn cameras.
- Testing/grooming behaviors or lack of appropriate boundaries with juveniles, including participants in youth programs, such as Police Cadet Programs, DARE, GREAT, or encountered as a Juvenile Investigator, School Resource Officer, etc.
- Violations of agency policies and procedures that could facilitate sexual misconduct (e.g., not calling in transport mileage, violating policies for in-car or body-worn cameras, patrolling, or investigating out of assigned areas, inappropriate pat downs, or searches).
- Rumors and reputation, such as “skirt chaser,” “child predator,” “peeper,” “bully”, etc.
- Reported or suspected violence against family members.
- Supervisory employees/officers over-fraternizing with subordinate employees/officers of a lower rank.

Reporting

Employees are advised to review MNPD Manual 4.50.050 which describes the variety of methods to make a report or file a complaint. This is applicable to any report or complaints of harassment and discrimination, including but not limited to, sexual harassment and sexual misconduct. Reports may be made to any supervisor, your immediate supervisor, anyone in your chain of command, the Office of Professional Accountability, Police Human Resources, Metro Human Resources, and others as may be applicable to the conduct.

Employees are also reminded that sexual misconduct may constitute a crime. Various provisions of the MNPD Manual, including 4.10 (C), 4.20.050 (A), 4.20.050 (T), and 4.20.040 (B), require employees to report criminal behavior and shall be reviewed in conjunction with the Roll Call Training.

Consistent with established policies and procedures on confidentiality of departmental operations and investigative processes, all employees involved in the process of reporting or documenting a complaint or investigation under this policy shall maintain the confidentiality of the investigative process and any records or reports compiled as a result thereof, except as may be required by policy or law.

Employee & Supervisor Responsibilities

In addition to the Manual revisions, the following information is provided as supplemental information for your understanding of applicable policy. Each employee shall be responsible for preventing and/or reporting acts of harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct. Supervisors are in a unique position to detect warning signs and patterns or indicators of possible harassment and discrimination (including, but not limited to, sexual harassment and sexual misconduct) by agency personnel. These early warning signs and effective supervisory oversight responsibilities may include, but are not limited to, the following:

- Awareness that vulnerable populations are at much higher risk of being victims of sexual misconduct.
- Collecting and analyzing data of activities related to the early warning signs and behaviors described herein (e.g., traffic stops, detentions, arrests, activity reports, radio logs, narrative reports, case dispositions, locations of activities, and subject populations).
- Conducting quality control audits to ensure compliance with operational policies (e.g., in-car and body-worn camera systems, access and use of criminal records, GPS monitoring).
- Conducting random call-backs by non-sworn employees or contracted sexual assault advocacy agencies, to members of the public, to obtain feedback on their interactions with an officer and the officer's level of professionalism exhibited during that contact, including specific questions regarding sexual harassment or misconduct.
- Conducting reviews of MNPD personnel social media use and posted content.
- Conducting random observations and in-person supervision/support at calls for service, traffic stops, field detentions, pat downs, and searches.
- Conducting integrity audits where an officer has been the subject of a complaint or series of complaints for which complainants do not wish to proceed with an investigation.
- Monitoring the work environment for warning signs, patterns, or indicators that sexual misconduct may be occurring.
- Utilizing all reasonable means to prevent a prohibited act of sexual misconduct from occurring when they know or suspect that an employee will or may perform such an activity.
- Taking immediate action upon observing or receiving information regarding conduct that may violate this policy to prevent further sexual misconduct, regardless of whether the complainant wants any action taken on the complainant's behalf; and
- Taking immediate action to prevent retaliatory conduct toward the victim and witnesses and to eliminate the hostile, humiliating, demeaning, or

sexually offensive environment where there has been a complaint of sexual misconduct.

In addition to MNPDP policy and procedure, the following information is intended to provide additional guidance for supervisors when a report of possible harassment and discrimination (including, but not limited to, sexual harassment and sexual misconduct by agency personnel) is made:

- Thank the complainant or other reporting party for reporting the potential violation and assure them that the report will be taken seriously, remain confidential to the extent permitted by policy and law, and thoroughly investigated.
- Offer support and safety planning for the complainant or other reporting party as may be necessary or appropriate.
- Complainant and reporting parties will be advised that their safety is the highest priority, and informed that they will be supported throughout the investigative process, including connecting them to an advocacy organization if they choose.
- Make appropriate internal notifications or external referrals based upon the facts and circumstances (OPA, criminal investigative elements, OFS, SAC, etc.) as may be necessary or appropriate.
- Evaluate the resources and steps necessary for a thorough investigation to be initiated by the proper authority, based on the initial assessment of the report.
- Thoroughly document incident details and steps taken for further review and follow-up by the authority or investigative body assigned to the administrative investigation.
- Secure any evidence and identify potential witnesses as soon as possible.
- Ensure that a crime report is written, and all other applicable procedures are followed if the reported incident meets the elements of a criminal offense.
- Once a supervisor observes or receives information regarding conduct that may violate this policy, they are responsible for taking immediate action to prevent further sexual harassment or misconduct, regardless of whether the complainant wants any action taken on their behalf. This includes preventing retaliation and creating a safe environment with the complainant and witnesses.
- Circumstances in which the victim is underage require immediate notification to the parents or legal guardian and, where necessary, the appropriate child protective services agency in a manner appropriate for a criminal investigation.
- Each supervisor is reminded that they have the responsibility to assist any employee or member of the public in documenting and filing a complaint of sexual harassment with the appropriate authority.
- If a situation requires separation of the parties, care should be taken to avoid action that punishes either party.

- Sexual harassment or sexual misconduct of a criminal nature, or that could potentially be criminal, shall be reported according to MNPD policy on criminal behavior.

Supervisors are reminded when presented with a complaint of harassment and discrimination, including but not limited to, sexual harassment and sexual misconduct, whether internally or from an external partner, they shall:

- **Not** refuse a complaint, discourage the filing of a complaint, or provide inaccurate or misleading information about filing a complaint.
- Thoroughly document, report, or investigate all complaints consistent with established policy and procedure.
- Maintain confidentiality to the extent permitted by policy and law.
- Follow recommended practices for trauma-informed investigations focusing on sexual harassment/misconduct.
- Even if the accused employee leaves the agency, give consideration to completing any aspects of the investigation that may be possible in order to evaluate the complaint.

Employee and Complainant Assistance

The first supervisor involved in receiving a complaint under this policy shall ensure that the complainant and/or other affected employees are made aware of available employee assistance programs offered by Behavioral Health Services, Family Intervention Program, Police Human Resources, Metro Human Resources, the Office of Family Safety, and any relevant external or outside support services.

Additional Resources

[MNPD Family Intervention](#)

[MNPD Domestic Violence Division](#)

[MNPD Special Victims Division](#)

[MNPD Human Resources](#)

[MNPD Office of Professional Accountability](#)

External Resources for Additional Reference

[Metro HR Life Advisor Employee Assistance Program](#)

[Metro HR Employee Mental Health Support](#)

[Metro Family Safety Center](#)

[Nashville Sexual Assault Center](#)

[Jean Crowe Advocacy Center](#)

These policy and training revisions were drafted using information, in addition to those previously referenced, from:

[Nashville Community Review Board](#)

International Association of Chiefs of Police Model Policy on Sexual Harassment and Misconduct – *available from MNPD Strategic Development Division*

[End Violence Against Women International \(EVAWI\) Model Policy Resource: Law Enforcement Sexual Misconduct Prevention and Accountability](#)

If you have any questions or need additional assistance, please contact the Strategic Development Division at 615-862-7376.

4.50 Harassment and Discrimination

4.50.010 Purpose

The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating, and resolving complaints of harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct. Federal law provides for the protection of classes of persons based on race, color, gender, religion, age, disability, and national origin. This policy also provides for the protection of classes of persons based on their sexual orientation.

4.50.020 Policy

It is the policy of the Metropolitan Nashville Police Department that all employees have the right to work in an environment, and citizens have a right to interactions with MNPD employees, that is free of all forms of harassment and discrimination, including, but not limited to, sexual harassment and sexual misconduct. In accordance with all relevant state and federal laws, Civil Service Rules/Policies, and Mayor's Executive Orders, the Metropolitan Nashville Police Department **will not** tolerate, condone, or allow harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, by employees or of employees. The Metropolitan Nashville Police Department considers harassment and discrimination, including, but not limited to, sexual harassment and sexual misconduct, as a form of serious employee wrongdoing. Therefore, this department shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct. A violation of this policy can lead to corrective action or discipline, up to and including termination. Repeated violations will result in greater levels of discipline as appropriate.

This is a zero-tolerance policy.

4.50.030 Definitions

For purposes of this policy, the following definitions apply:

- A. **Discrimination:** Any action that unlawfully or unjustly results in unequal treatment of persons based on race, color, gender, religion, age, disability, sexual orientation, or national origin.

- B. **Harassment:** the definition in TCA 39-17-308 is hereby adopted and includes conduct defined in Abusive Conduct under MNPD Manual 4.70.020(A).
- C. **Retaliation:** Taking, or threatening to take, an unfavorable personnel action or withholding, or threatening to withhold, a favorable personnel action against an individual for attempting to communicate a complaint of discrimination or harassment to a supervisor, the Director of MNPD Human Resources Division, the Office of Professional Accountability, the Chief of Police, the Metropolitan Government Equal Employment Opportunity Coordinator, or any other person, entity, or agency.
- D. **Sexual Misconduct:** Any behavior by an employee against a member of the community or fellow employee by MNPD personnel that:
1. takes advantage of the employee's position in law enforcement to misuse authority and power (including force) in order to commit a sexual act, initiate sexual contact or conduct with another person, or respond to a perceived sexually motivated cue (from a subtle suggestion to an overt action) from another person;
 2. involves any communication or behavior by an employee that would likely be construed as lewd, lascivious, or inappropriate;
 3. includes conduct of a sexual nature that is unbecoming of an employee and violates general principles of acceptable conduct common to law enforcement or other professional workplace environments;
 4. involves any sexual contact committed by MNPD personnel while on-duty, or while acting under the color of law;
 5. includes any sexual contact committed while off-duty but involving MNPD or government equipment, or within MNPD/government property or vehicles, involving the use of a service weapon, or information obtained through law enforcement activity or databases, or secured through threat of taking or denying official action; and
 6. includes a broad scope of sexual behaviors of criminal conduct as may be prohibited by state or federal law.

Consent is not an affirmative defense when engaging in sexual misconduct while acting under color of law. Sexual conduct is defined in TCA 39-13-501.

- E. **Sexual Harassment:** Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment or favorable or unfavorable treatment; or

2. Submission to or rejection of such conduct by an employee is used as the basis for employment-related decisions affecting the employee; or
3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.
4. Sexual harassment may be in the form of comments, acts, or gestures. It is not limited to overt physical acts. Suggestive comments, jokes of a sexual nature, sexually suggestive objects or pictures, obscene gestures, sexually graphic stories, as well as unwanted touching, can all constitute sexual harassment. Conducting, encouraging, or condoning any of the above activities toward or about a person of the same gender can also constitute sexual harassment.

4.50.040 General Provisions

A. Prohibited Activity

1. Employees shall not engage in harassment, discrimination, or retaliation as defined herein.
 - a. No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any person.
 - b. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on race, color, gender, religion, age, disability, sexual orientation, or national origin. Such harassment is a prohibited form of discrimination under state and federal employment law and/or is also considered misconduct subject to disciplinary action by this department.
2. Sexual Harassment & Misconduct
 - a. No employee shall engage in sexual misconduct, as defined herein.
 - b. This is a zero-tolerance policy, and a violation of this policy can lead to corrective action or discipline, up to and including termination.
3. Failure of any employee to carry out their responsibilities in good faith as defined in this policy can lead to discipline.
4. Knowledge of External Complaints/Behavior
 - a. Employees who have knowledge of or a reasonable and articulable belief that employees who work at another Metropolitan

Government department, board, or commission have committed behaviors that would constitute a violation of a Metropolitan Government rule, policy, or procedure regarding harassment and/or discrimination, shall immediately provide this information to their direct supervisor. The supervisor will coordinate with the chain of command to determine what entity has jurisdiction over that complaint and/or investigation.

- b. Employees who have a reasonable and articulable belief that employees who work at another law enforcement agency have committed behaviors that would constitute a violation of law related to sexual misconduct, shall immediately provide this information to their direct supervisor. The supervisor will coordinate with the chain of command to make an appropriate report to the agency that has jurisdiction over that investigation.
5. This is a zero-tolerance policy, and a violation of this policy can lead to corrective action or discipline, up to and including termination. Repeated violations will result in greater levels of discipline as appropriate.
 6. Confidentiality

Consistent with established policies and procedures on confidentiality of departmental operations and investigative processes, all employees involved in the process of reporting or documenting a complaint or investigation under this policy shall maintain the confidentiality of the investigative process and any records or reports compiled as a result thereof, except as may be required by policy or law.

B. Employee/Supervisor Responsibilities

1. Each employee shall be responsible for preventing and/or reporting acts of harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct. This responsibility includes the following:
 - a. Monitoring the unit work environment on a daily basis for early warning signs or concerning behaviors that could indicate harassment and/or discrimination (including, but not limited to, sexual harassment, sexual misconduct, or other potential wrongdoing) may be occurring (refer to current training on early warning signs);
 - b. All employees will receive training and maintain an awareness on the types of behavior prohibited and the department procedures for

reporting and resolving complaints of harassment and/or discrimination;

- c. Stopping any observed acts that may be considered harassment or discrimination, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision;
 - d. Reporting any observed acts that may reasonably be considered harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct; and
 - e. Taking immediate action to prevent retaliation towards the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, pending investigation. If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible, and if non-voluntary, should be temporary, pending the outcome of the investigation.
2. Once a supervisor has been advised, formally or informally, of an incident or incidents involving possible harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, that supervisor shall initiate an investigation as established herein. Any supervisor shall assist any employee of this department who comes to that supervisor with a complaint of harassment and/or discrimination in documenting and filing a complaint with the Office of Professional Accountability or other investigatory authority as designated by this department. Supervisors shall incorporate trauma-informed care practices during the reporting and investigation phases in accordance with current training guidelines.
 3. Each employee of this department is responsible for assisting in the prevention of harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, through the following acts:
 - a. Refraining from participation in, or encouragement of, actions that could be perceived as harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct;
 - b. Reporting acts of harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, to a supervisor; and

- c. Any employee who has knowledge of or observes harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, has a duty to intervene and/or report in a manner consistent with MNPD policy on duty to intervene.
4. Employees shall participate in all required training and maintain proficiency in order to identify when another employee is engaging in or is the victim of harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct. Additionally, such training shall include the skills necessary to intervene, report, document, and/or investigate such allegations and/or incidents.
5. This is a zero-tolerance policy, and a violation of this policy can lead to corrective action or discipline, up to and including termination. Repeated violations will result in greater levels of discipline as appropriate.

4.50.050 Complaint Procedures

Any employee encountering harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, is encouraged to inform the person that his/her actions are unwelcome and offensive. The employee will document all incidents of harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, in order to provide the fullest basis for investigation.

Any employee who believes that he/she is a victim of harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, shall report the incident(s) as soon as possible so that steps may be taken to protect the employee from further harassment and/or discrimination, and so the appropriate investigative and disciplinary measures may be initiated.

If it is a continuing problem, the complainant should state when the conduct began and the progression of events to the time of the complaint. A complaint may be filed by a current employee, an applicant, or any other person. A complaint may be filed individually or as a group. All complainants shall have the right to have one representative of their choosing with them at all stages of the complaint procedure.

Whether the offending party is in the complainant's chain of command or not, the employee may file a departmental complaint with their supervisor, another supervisor, the Director of the MNPD Human Resources Division, the Office

of Professional Accountability, the Chief of Police, or the Metropolitan Government Equal Employment Opportunity Coordinator.

Administrative and criminal investigations of law enforcement sexual harassment or sexual misconduct should be conducted and/or coordinated by an investigator with specialized training and experience investigating such offenses whenever possible. Such investigations shall follow recommended practices for trauma-informed investigations focusing on sexual harassment/misconduct. Nothing herein precludes a supervisor who does not have specialized training from conducting an initial inquiry to determine the next appropriate action that should be taken.

A complaint of harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, may be filed according to the procedures herein.

All files of harassment and/or discrimination complaints shall be maintained in a secure location. The Chief of Police shall be provided with an annual summary of all harassment and discrimination complaints by the Director of MNPD Human Resources.

Nothing herein is intended to limit or restrict any employee rights to make an Equal Employment Opportunity complaint regarding discrimination to an appropriate investigative authority.

A. Filing a Complaint with a Supervisor

1. When any supervisor is notified of a complaint involving harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, that supervisor shall meet with the employee and document the complaint in writing to include, but not limited to:
 - a. The incident(s) complained of;
 - b. The person(s) performing or participating in the harassment and/or discrimination;
 - c. Any witnesses to the incident(s); and
 - d. The date(s) on which it occurred.
2. Based upon the facts and circumstances of the alleged conduct, the department employee taking the complaint shall make appropriate notifications to the chain of command, Director of MNPD Human Resources, and/or Commander of the Office of Professional Accountability.

3. If the supervisor who is documenting the complaint is not in the chain of command of the complaining party, upon receipt of the notification, the Chief of Police or his/her designee will designate the appropriate party to conduct the investigation.
 4. The supervisor designated to conduct the investigation shall document all aspects of the investigation and, as appropriate, keep the affected employee informed. The investigating supervisor shall have forty-five (45) calendar days from the date of receipt to complete the investigation. An additional forty-five (45) calendar days may be authorized by the Chief of Police should the complexity or other complicating factors of the investigation warrant the extension.
 5. Any complaint resolution shall be acknowledged by the investigating supervisor and the complaining party, in writing, to then be forwarded and reviewed by the complaining party's chain of command to ensure fairness and impartiality.
 6. This is a zero-tolerance policy, and a violation of this policy can lead to corrective action or discipline, up to and including termination. Repeated violations will result in greater levels of discipline as appropriate.
 7. If the complaining party is dissatisfied with the results of the investigation, the complaining party should follow the steps outlined herein regarding Filing a Complaint with the Chief of Police.
- B. Filing a Complaint with the Director of the MNPD Human Resources Division (Employee Relations Section).
1. When the Director of the MNPD Human Resources Division is notified of a harassment and/or discrimination complaint, a meeting with the employee shall occur to document the complaint in writing to include, but not limited to:
 - a. The incident(s) complained of;
 - b. The person(s) performing or participating in the harassment and/or discrimination;
 - c. Any witnesses to the incident(s); and
 - d. The date(s) on which it occurred.
 2. Based upon the facts and circumstances of the alleged conduct, the Director of MNPD Human Resources shall make appropriate

notifications to the chain of command, Director of the Metropolitan Government Human Resources Department, and/or Commander of the Office of Professional Accountability.

3. Upon receipt of the official notification, the Chief of Police or his/her designee will designate the appropriate party to conduct the investigation. The investigating party shall have forty-five (45) calendar days from the date of receipt to complete the investigation. An additional forty-five (45) calendar days may be authorized by the Chief of Police should the complexity or other complicating factors of the investigation warrant the extension.
4. If the Director of the MNPDP Human Resources Division (or an authorized designee) has been designated to conduct the investigation, he/she shall document all aspects of the investigation and, as appropriate, keep the affected employee informed.
5. Any complaint resolution shall be acknowledged by the Director of the MNPDP Human Resources Division and the complaining party, in writing, to then be reviewed by the complaining party's chain of command to ensure fairness and impartiality.
6. Failure to take action regarding complaints of harassment and/or discrimination shall be grounds for corrective or disciplinary action.
7. If the complaining party is dissatisfied with the results of the investigation, the complaining party should follow the steps outlined herein regarding Filing a Complaint with the Chief of Police, within ten (10) calendar days of final disposition of the Director of the MNPDP Human Resources Division.

C. Filing a Complaint with the Office of Professional Accountability (OPA)

1. OPA shall be responsible for investigating any complaint alleging harassment and/or discrimination, including, but not limited to, sexual harassment and sexual misconduct, reported to that division. The nature of the allegations will determine whether it is investigated by OPA or referred to the Employee Relations Section of the MNPDP Human Resources Division. A complaint may be made to either or both.
2. Upon receipt of the complaint, OPA shall promptly submit notice to the Chief of Police documenting the complaint, with a copy forwarded to the complaining party's Bureau Commander. OPA shall also immediately notify the District Attorney's Office if the complaint contains evidence of criminal activity.

3. The OPA investigator shall include a determination as to whether other employees or citizens are being harassed and/or discriminated against by the person(s), and whether other department employees participated in or encouraged the harassment and/or discrimination.
4. The investigation of the complaint shall be completed within forty-five (45) calendar days of receipt. An additional forty-five (45) calendar days may be authorized by the Chief of Police should the complexity or other complicating factors of the investigation warrant the extension.
5. OPA shall forward the full report and findings to the Chief of Police upon completion of the investigation.
6. Office of Professional Accountability procedures for keeping the complainant notified shall apply.
7. If the complaining party is dissatisfied with the results of the investigation, the complaining party should follow the steps outlined herein regarding Filing a Complaint with the Chief of Police.

D. Filing a Complaint with the Chief of Police

1. When a complaint is filed with, or appealed to, the Chief of Police, the Chief or the Chief's designee shall investigate the complaint and take corrective or disciplinary action should the allegation(s) be sustained.
2. The investigation of the complaint shall be completed within forty-five (45) calendar days of receipt, with an additional forty-five (45) calendar days allowed should the complexity or other complicating factors of the investigation warrant the extension.
3. The Chief of Police shall notify the complaining party, in writing, of the results of the investigation and any pending corrective or disciplinary action, at the conclusion of the investigation.
4. If the Chief of Police determines that the allegations warrant a third-party investigation, he/she shall refer the complaint to Metro Human Resources to assist in the investigation.
5. If the complaining party is dissatisfied with the results of the investigation, they may elect to file a complaint with Metro Human Resources.

- E. Filing a Complaint with the Metropolitan Government Equal Employment Opportunity Coordinator
1. The complaining party may file a written complaint with the Equal Employment Opportunity Coordinator of the Metropolitan Government Human Resources Department.
 2. If the alleged offending party is the Chief of Police, this section is where the complaint process begins.
 3. The Metropolitan Government Equal Employment Opportunity Coordinator is responsible for conducting an investigation of the complaint.
 4. The Metropolitan Government Equal Employment Opportunity Coordinator is responsible for notifying the complaining party and the Chief of Police, in writing, of the results of the investigation, and any further action to be taken, at the conclusion of the investigation.
 5. If the alleged offending party is the Chief of Police and the allegation(s) are sustained, the Metropolitan Government Equal Employment Opportunity Coordinator will forward the results to the Mayor for review and action.
 6. If the complaint has progressed to this stage because of dissatisfaction with the initial decision of the Chief of Police, and the Metropolitan Government Equal Employment Opportunity Coordinator has remanded the complaint to the Chief of Police for further review, the Chief of Police shall review the case and notify the complaining party, in writing, of the results and/or action(s) taken as a result of the additional review at the conclusion of the latest review.
 7. Complainants or employees accused of harassment and/or discrimination may file a grievance in accordance with current departmental policy and Civil Service Commission Rules when the employee disagrees with the results of the investigation or disposition of a harassment and/or discrimination claim.

4.50.060 Retaliation

- A. Retaliation against any employee for filing a harassment and/or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint, is illegal and is prohibited by this department, Metro Civil Service Rules & Policies, and by state and federal law.

- B. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints.

- C. Monitoring to ensure that retaliation does not occur is the responsibility of all supervisors, the Office of Professional Accountability, and the Chief of Police. It is the responsibility of the complainant to report any retaliation or attempt of retaliation to his/her supervisor or any other supervisor, the Director of the MNPD Human Resources Division, Office of Professional Accountability, Chief of Police, or to the Equal Employment Opportunity Coordinator of the Metropolitan Government Human Resources Department.

4.50.070 Metro Government Policies and Other References

- A. This MNPD policy is intended to supplement and expand upon existing Metropolitan Government policies, executive orders, procedures, and rules. Where any conflict may exist, the Metropolitan Government policies, executive orders, procedures, and rules shall prevail over a departmental policy.

- B. The MNPD and Metropolitan Government provides basic, in-service, and ongoing training on harassment and discrimination, including, but not limited to, sexual harassment and sexual misconduct. All employees shall participate and adhere to all required training.

4.50.080 Employee and Complainant Assistance

The first supervisor involved in receiving a complaint under this policy shall ensure that the complainant and/or other affected employees are made aware of available employee assistance programs offered by Behavioral Health Services, Family Intervention Program, Police Human Resources, Metro Human Resources, the Office of Family Safety, and any relevant external or outside support services.