

# EAST RANGE POLICE DEPARTMENT

POLICY  
109

## Sexual Harassment Prevention

REV 03/10/2025

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### **I. POLICY**

The East Range Public Safety Board (ERPSB) is committed to creating and maintaining a public service work place free of harassment and discrimination. Such harassment is a violation of Title VII of the Civil Rights Act of 1964, the Minnesota Human Rights Act, and other related employment laws.

In keeping with this commitment, the ERPSB maintains a strict policy prohibiting unlawful harassment, including sexual harassment. This policy prohibits harassment in any form, including verbal and physical harassment.

This policy statement is intended to make all employees, volunteers, members of boards and commissions, and elected officials sensitive to the matter of sexual harassment, to express the Board's strong disapproval of unlawful sexual harassment, to advise employees against this behavior and to inform them of their rights and obligations. The most effective way to address any sexual harassment issues is to bring it to the attention of management.

### **APPLICABILITY**

Maintaining a work environment free from harassment is a shared responsibility. This policy is applicable to all East Range Police Department (ERPD) employees, volunteers, and ERPSB members, both in the workplace and other Police Department-sponsored social events.

### **II. DEFINITIONS**

To provide employees with a better understanding of what constitutes sexual harassment, the definition, based on Minnesota Statute § 363A.03, subdivision 43, is provided: sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature, when:

1. Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. Submitting to or rejecting the conduct is used as the basis for an employment decision affecting an individual's employment; or

3. Such conduct has the purpose or result of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Examples of inappropriate behaviors that are unacceptable and therefore prohibited, even if not unlawful in and of themselves include: unwanted physical contact; unwelcome sexual jokes or comments; sexually explicit posters or pinups; repeated and unwelcome requests for dates or sexual favors; sexual gestures or any indication, expressed or implied, that job security or any other condition of employment depends on submission to or rejection of unwelcome sexual requests or behaviors. In summary, sexual harassment is the unwanted, unwelcome or repeated action of an individual against another individual, using sexual overtones.

### **III. EXPECTATIONS**

The ERPSB recognizes the need to educate its employees, volunteers and ERPSB members on the subject of sexual harassment and stands committed to providing information and training. All employees are expected to treat each other and the general public with respect, and assist in fostering an environment free from offensive behavior or harassment. Violations of this policy may result in discipline, including possible termination. Each situation will be evaluated on a case-by-case basis.

Employees who feel that they have been victims of sexual harassment, or employees who are aware of such harassment, should immediately report their concerns to any of the following:

1. Police Chief;
2. ERPSB member.

In addition to notifying one of the above persons and stating the nature of the harassment, the employee is also encouraged to take the following steps, if the person feels safe and comfortable doing so. If there is a concern about the possibility of violence, the individual should use his/her discretion to call 911.

1. Communicate to the harasser the conduct is unwelcome. Professionally, but firmly, tell whoever is engaging in the disrespectful behavior how you feel about their actions, and request the person to stop the behavior because you feel intimidated, offended, or uncomfortable. If practical, bring a witness with you for this discussion.

2. In some situations, such as with an offender from the public, it is preferable to avoid one on one interactions. Talk to the Police Chief about available options to ensure there are others available to help with transactions with an offender.
3. To reiterate, it's important you notify the Police Chief and/or ERPSB member of your concerns. The person to whom you speak is responsible for documenting the issues and for giving you a status report on the matter. If, after what is considered to be a reasonable length of time (for example, 30 days), you believe inadequate action is being taken to resolve your complaint/concern, the next step is to report the incident to the ERPSB Attorney.

The ERPSB urges conduct which is viewed as offensive be reported immediately to allow for corrective action to be taken through education and immediate counseling, if appropriate. Management takes these complaints seriously, and has the obligation to provide an environment free of sexual harassment. The ERPSB is obligated to prevent and correct unlawful harassment in a manner which does not abridge the rights of the accused. To accomplish this task, the cooperation of all employees is required.

In the case of a sexual harassment complaint, the Police Chief must report the allegations promptly to the ERPSB. If the ERPSB is the subject of the complaint, then the Police Chief is to report the complaint to the ERPSB Attorney. The Police Chief must act upon such a report even if requested otherwise by the victim. The ERPSB will take action to correct any and all reported harassment to the extent evidence is available to verify the alleged harassment and any related retaliation. All allegations will be investigated. Strict confidentiality is not possible in all cases of sexual harassment as the accused has the right to answer charges made against them; particularly if discipline is a possible outcome. Reasonable efforts will be made to respect the confidentiality of the individuals involved, to the extent possible.

The ERPSB is not voluntarily engaging in a dispute resolution process within the meaning of Minn. Stat. § 363A.28, subd. 3(b) by adopting and enforcing this workplace policy. The filing of a complaint under this policy and any subsequent investigation does not suspend the one-year statute of limitations period under the Minnesota Human Rights Act for bringing a civil action or for filing a charge with the Commissioner of the Department of Human Rights.

#### **IV. SPECIAL REPORTING REQUIREMENTS**

When the Police Chief is the alleged harasser, a report will be made to the ERPSB who will assume the responsibility for investigation and discipline.

If the ERPSB is the alleged harasser, a report will be made to the ERPSB Attorney who will confer with the Police Chief regarding appropriate investigation and action.

If the ERPSB member is the alleged harasser, the report will be made to the Police Chief and referred to the ERPSB Attorney who will undertake the necessary investigation. The ERPSB Attorney will report his/her findings to the Board, which will take action it deems appropriate.

Pending completion of the investigation, the Police Chief may at his/her discretion take appropriate action to protect the alleged victim, other employees, or citizens.

## **V. RETALIATION**

The ERPSB will not tolerate retaliation or intimidation directed towards anyone who makes a complaint of employment discrimination, who serves as a witness or participates in an investigation, or who is exercising his/her rights, including when requesting religious or disability accommodation. Retaliation is broader than discrimination and includes, but is not limited to, any form of intimidation, reprisal or harassment. While each situation is very fact dependent, generally speaking retaliation can include a denial of a promotion, job benefits, or refusal to hire, discipline, negative performance evaluations or transfers to less prestigious or desirable work or work locations because an employee has engaged or may engage in activity in furtherance of EEO laws.

It can also include threats of reassignment, removal of supervisory responsibilities, filing civil action, deportation or other action with immigration authorities, disparagement to others or the media and making false report to government authorities because an employee has engaged or may engage in protected activities. Any individual who retaliates against a person who testifies, assists, or participates in an investigation may be subject to disciplinary action up to and including termination.

If you feel retaliation is occurring within the workplace, please report your concern immediately to any of the following:

1. Police Chief;
2. ERPSB.
3. In the event an employee feels retaliation has occurred by the Police Chief or the ERPSB, then reporting may be made to the ERPSB Attorney.

The Police Chief, if approached by employees with claims of retaliation will take the complaint seriously and promptly report the allegations promptly to the ERPSB, or if the complaint is against the Police Chief to the ERPSB Attorney, who will decide how to proceed in addressing the complaint.

**VI. REFERENCES AND REVISIONS.**

**a. References**

- i. ERPD Policy

**b. Revisions**

- i. 02/05/2018 – Initial Policy – ERPSB Approval Date
- ii. 03/10/2025 – ERPSB Approval Date