

IDAHO STATE POLICE PROCEDURE

03.18 - SEXUAL HARASSMENT AND ILLEGAL DISCRIMINATION

A. General

The Idaho State Police is an equal employment opportunity employer, proud of its tradition of maintaining a work environment in which all individuals are treated with respect and dignity. Illegal discrimination or harassment of any kind is inconsistent with ISP values and counter to ISP [Conduct Expectations](#). All complaints, regardless of where reported or from whom, are taken seriously.

All ISP employees and service recipients have the right to an environment free from all forms of illegal discrimination, including sexual harassment. Each employee has an affirmative duty to maintain a workplace free from sexual harassment and illegal discrimination by refraining from all forms of harassment and illegal discrimination and by reporting either personally experienced or witnessed incidents. To the extent possible, the basic tenets of this procedure are applicable to consultants, contractors, subcontractors, vendors, customers or others with whom ISP does business.

B. Definitions

“Illegal discrimination” means any conduct that degrades or shows hostility toward an individual on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, age, or disability; or that creates a hostile or offensive work environment through written, graphic, or verbal communications including jokes, slurs, or negative stereotyping on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, age, or disability. Illegal discrimination is a violation of state and federal law. Additionally, [IDAPA 15.04.01.021](#) provides: “No person shall be discriminated against in regards to appointments, promotions, demotions, separations, transfers, compensation, or other terms, conditions, or privileges of employment because of race, national origin, color, sex, age, religion, disability, or veteran status (unless under other than honorable conditions).”

“Retaliation” means negative action taken against an employee because the employee complained about or refused to submit to illegal discrimination or sexual harassment, or supported someone making such a complaint. Retaliation is prohibited and employees who report sexual harassment or illegal discrimination, provide information related to such complaints, or who oppose harassing and/or discriminating behavior are protected against retaliation.

“Sexual harassment” means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, other verbal or physical conduct, or visual forms of harassment of a sexual nature when submission to such conduct is made a term or condition of employment, is used as a basis for employment decisions, or when 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. Sexual harassment may include, but is not limited to demeaning and/or derogatory harassment toward one’s gender including terms of endearment;

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demeaning behavior, staring, pinching, touching and other physical contact, or blocking the movements of another person; unwelcome sexual comments, innuendoes, jokes, or abusive personal remarks; sexually explicit displays or distribution of pictures, materials, or objects in the work area; offering or implying a reward or threat concerning work assignments, performance reviews, discipline, promotions, or other terms or conditions of employment in exchange for sexual favors; unwelcome amorous advances or propositions, physical conduct, or obscene gestures; unwelcome verbal or written comments with sexual meanings; or unwelcome verbal or written requests for sexual favors or repeated social contact. Sexual harassment is a violation of state and federal law.

C. Procedure for Allegations of Sexual Harassment or Other Illegal Discrimination

1. The Director and the EEO/Affirmative Action Officer (the Human Resource Officer “HRO”) have the primary responsibility for ensuring investigations into allegations of sexual harassment or other illegal discrimination on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, age, or disability are conducted.
2. Allegations of sexual harassment or other illegal discrimination may be reported in any manner to any supervisor within the ISP:
 - a. allegations of sexual harassment or other illegal discrimination may be reported by victims or by other employees aware of the harassing or discriminatory behavior;
 - b. the report should be made as soon as possible upon the occurrence of the discriminatory or harassing behavior, but must be made within 1 year;
 - c. if a pattern of discriminatory or harassing behavior is the allegation, the report should be made as soon as possible but must be made within 1 year from the date of the most recent occurrence; and
 - d. the report is handled through the most confidential and direct means possible.
3. The supervisor receiving a verbal report immediately makes a written report to the Director, not observing the chain of command.
4. Allegations of sexual harassment or other illegal discrimination may be investigated by the Office of Professional Standards.

D. Non-Retaliation

1. This procedure prohibits any retaliatory action against employees who:
 - a. report charges of policy misconduct;
 - b. assist in an investigation;
 - c. report harassing behavior directed at other persons; or
 - d. are threatened by an authority for refusal to submit to unwanted sexual favors or suggestions.

E. Alternative to Department Administrative Procedure

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1. Employees are not restricted to making allegations of sexual harassment, civil rights violations, or any illegal discrimination through the internal process described in section C of this procedure.
2. Allegations of any of the above behaviors may be made directly to the Idaho Human Rights Commission (IHRC) or the Federal Equal Employment Opportunity Commission (EEOC). Timelines for filings vary therefore contact them directly to obtain their guidance.