



Allen Pascual
Commissioner

**TOWNSHIP OF NORTH BERGEN
DEPARTMENT OF PUBLIC SAFETY
POLICE DEPARTMENT**

LAW & PUBLIC SAFETY BUILDING
4233 KENNEDY BOULEVARD
NORTH BERGEN, NJ 07047



Peter Fasilis
Chief of Police

EFFECTIVE DATE:		DIRECTIVE:	
4/23/2013		General Order : 13-11	
SUBJECT:			
WORKPLACE VIOLENCE AND HARASSMENT, DISCRIMINATION AND SEXUAL HARASSMENT			
REFERENCE:			
NJAC 4A: 2-2.3, 4A: 7-1.3, 4A: 7-3.3, and 4A: 7-3.4. Title VII of the Civil Rights Act of 1964			
ACCREDITATION STANDARD: N.J.S.A.C.O.P 1.4.2			
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Police Desk All Divisions General Order Manual		7	
ISSUED BY:	ISSUE DATE:	REVISION DATE:	
Peter Fasilis Chief of Police	4/23/2013	May 24, 2022	

I. PURPOSE:

- A. The goal of this policy is to maintain a healthy work environment for all. The purpose of this policy is to provide definitions of discrimination and harassment, sexual or otherwise, and to provide procedures for reporting, investigating and resolving complaints of discrimination and harassment, sexual or otherwise.

II. POLICY:

- A. It is the policy of the North Bergen Police Department that all employees have the right to work in an environment that is free from conduct of this type. The Department prohibits, does not condone, and will not tolerate, any form of discrimination and/or harassment, sexual or otherwise. Therefore, the Department shall take direct, immediate action, to prevent such conduct, and to remedy all reported instances of harassment, sexual or otherwise. Violations involving

discrimination and/or sexual harassment may result in disciplinary action up to and including discharge from the Department.

III. **DEFINITIONS**

- A. **Bullying Harassment-** Harassment that can occur in the workforce (may it be sexual harassment or verbal harassment), usually physical and psychological harassing behavior perpetrated against an individual, by one or more persons.
- B. **Discrimination-** Any offensive or derogatory comments based on race, color, sex, sexual orientation, religion or national origin, made either directly or indirectly to another person. Such conduct is a prohibited form of discrimination under State and Federal law and is also considered misconduct subject to disciplinary action by this agency.
- C. **Employee-** The term employee shall refer to all Department members, both civilian and sworn. Employee shall also refer to supervisory personnel.
- D. **Protected Categories** – All forms of unlawful and prohibited conduct which is based upon race, color, creed, national origin, ancestry, sex, gender identity, sexual orientation, domestic partnership, marital status, religion, family status, handicap, or liability for service in the Armed Forces of the United States.
- E. **Prohibited Conduct-** The term prohibited conduct shall be meant to include workplace violence, discrimination, and sexual harassment. Prohibited conduct also includes:
 - 1. Violent acts or threats made by an employee against another person or property.
 - 2. Includes any violence or threats thereof made on township property, at Township Events, or under any circumstances that may negatively affect the Department's ability to conduct business and operations.
 - 3. Prohibited Conduct Includes,
 - 4. Causing physical Injury to Another Person,
 - 5. Making threatening remarks,
 - 6. Aggressive, hostile, or bullying behavior that creates reasonable fear of injury to another person or subjects another individual to emotional stress,
 - 7. Intentionally damaging employer property, or property of another employee,
 - 8. Committing acts motivated by, or related to domestic violence.
- F. **Psychological Harassment-** This is humiliating or abusive behavior that lowers a person's self-esteem or causes them torment. This can take the form of verbal comments, actions or gestures.
- G. **Racial Harassment-** The targeting of an individual because of their race or ethnicity. The harassment may include words, and actions that are specifically designed to make the employee feel degraded due to their race or ethnicity.
- H. **Religious Harassment-** Verbal, psychological or physical harassment is used against an employee

because they choose to practice a specific religion.

- I. **Sexual Harassment-** The term sexual harassment may be defined as harassment based on gender and/or sexual orientation, unwelcome 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*
2. *Submission to or rejection of such conduct by an employee is used as the basis for employment 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 working environment.*
4. *Sexual harassment violates Title VII of the Civil Rights Act of 1964 and the New Jersey Laws Against Discrimination, NJAC 4A: 2-2.3, 4A: 7-1.3, 4A: 7-3.3, and 4A: 7-3.4. The Township of North Bergen Police Department will not tolerate discrimination or sexual harassment in the work place. All employees of the North Bergen Police Department, including sworn officers regardless of rank, civilians, and outside contractors alike must comply with these statutes and take appropriate measures to ensure that such conduct does not occur.*

- J. **Supervisor-** The term supervisor as referred to in this policy shall refer to ranking officers and employees serving in a supervisory capacity.

IV. **PROCEDURE:**

- A. **Employees Responsibilities:** Each and every employee shall be responsible for assisting in the prevention of acts of discrimination and/or sexual harassment. This responsibility includes but is not limited to:

1. Refraining from participation in, or encouragement of, actions that could be perceived as discrimination and/or sexual harassment.
2. Having been witness to or having knowledge of prohibited conduct to report such acts of prohibited conduct to a supervisor.
3. Encouraging any employee, who confides that he or she is the victim of prohibited conduct, to report this conduct to a supervisor.
4. Stopping any observed acts that may be considered prohibited conduct, and taking appropriate steps to intervene, whether or not the involved employees are within their immediate supervision.
5. An employee who feels that they are the victims of prohibited conduct shall tell the

person engaging in such conduct that their actions are unwelcome and offensive. The employee shall be responsible for taking reasonable and prudent steps to document all incidents of prohibited conduct in order to provide the fullest basis for investigation.

B. Supervisor's Responsibilities: Each supervisor shall be responsible for assisting in the prevention of acts of discrimination and/or sexual harassment. This responsibility includes but is not limited to:

1. Each supervisor shall be responsible to assist any employee of this agency, who comes to that supervisor with a complaint of prohibited conduct. They will assist the employee in documenting such activity and filing a report with the Internal Affairs Unit / Officer.
2. A complaint report shall be completed as outlined in Department policy.
3. Counseling all employees on the types of conduct prohibited, and the Department procedures for reporting and resolving complaints of prohibited conduct.
4. Taking immediate action to limit the work contact between two employees where there has been a complaint of harassment, pending investigation.
5. Each supervisor shall have the responsibility to act promptly and affirmatively when they receive a complaint of prohibited conduct. Failure to take action to stop known prohibited conduct, and failure to follow-up with a complaint form, shall be grounds for disciplinary action.

C. Reporting Complaints:

Complaints may be filed with the Internal Affairs Unit / Officer, the employee's direct supervisor, other supervisors in the employee's chain of command and officials outside the employee's chain of command.

1. Any employee who believes that they are the victim of prohibited conduct shall tell the person engaging in such conduct that their actions are unwelcome and offensive. The employee shall ask the person to stop engaging in such conduct.
2. Any employee who believes that they are the victim of prohibited conduct shall be responsible for initiating their complaint in a timely manner by notifying their immediate supervisor. Should the person engaging in such prohibited conduct be the employees' immediate supervisor, the employee will not be required to notify that person and is permitted to forward their complaint to a higher authority within their chain of command. Where neither of these actions is practical, the employee may file a complaint with the Internal Affairs Unit / Officer.
3. The supervisor or other person to whom a complaint is given shall meet with the employee and document the incident, the person(s) performing or participating in the prohibited conduct, and the dates on which it occurred.
4. The supervisor or other person, to whom a complaint is given, shall by the next regular business day, deliver the complaint to the Internal Affairs Unit / Officer.

5. The Internal Affairs Unit / Officer shall be responsible for the investigation of any complaint alleging harassment.
6. The Internal Affairs Unit / Officer will conduct the investigation in accordance with the NJ Attorney General Guidelines.
7. The Internal Affairs Unit / Officer shall immediately notify the Chief of Police and the Hudson County Prosecutor's Office if the complaint contains evidence of criminal activity, such as but not necessarily limited to, assault, sexual assault, criminal sexual contact and lewdness.
8. The investigating officer shall include in their report a determination whether other employees are victims of the person engaging in the prohibited conduct, and whether other agency members participated in, or encouraged the conduct.
9. The Internal Affairs Unit / Officer shall inform all parties involved of the outcome of the investigation.
10. A file of discrimination and sexual harassment complaints shall be maintained in a secure location. The Internal Affairs Unit / Officer shall provide the Chief of Police with an annual summary of these complaints.
11. There shall be no retaliation against any employee for filing a harassment complaint, or assisting, testifying, or in any way participating in the investigation of such a complaint.
12. Complainants or employees accused of prohibited conduct may file a grievance/appeal in accordance with existing collective bargaining agreements when they disagree with the investigation and/or disposition of a complaint of prohibited conduct.
13. This policy does not preclude any employee from filing a complaint or grievance with the appropriate outside agency.

D. Whistle Blower:

1. An employee has the right under the Conscientious Employee Protection Act, N.J.S.A. 34:19-1 et seq., ("CEPA") to complain about any activity, policy or practice that the employee reasonably believes is in violation of a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal. This right shall be communicated to all employees in an annual letter outlining the specific employee complaint procedure and in a posted notice. A written acknowledgment that the employee received, read, and understood this letter will be included in the employee's official personnel file.
2. The annual notice shall be in English and Spanish and must contain the name of the person who is designated to receive written notification of any activities, policies or practices that might violate CEPA. All complaints will be taken seriously by the Department and will be promptly investigated.

3. The Department shall not take any retaliatory action or tolerate any reprisal against an employee for any of the following:
 - a. Disclosing or threatening to disclose to a supervisor, Division Commander, Township Administrator, the Mayor, other official or to a public body, as defined in CEPA an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law,
 - b. Providing information to, or testifying before any public body conducting an investigation, hearing, an inquiry into any violation of law, a rule or regulation promulgated pursuant to law; or
 - c. Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonable believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.
4. In accordance with CEPA, an employee must bring his or her belief of a violation to the attention of the Department. However, disclosure is not required where:
 - a. the employee is reasonably certain that the violation is known to one or more officials;
 - b. where the employee reasonably fears physical harm; or
 - c. the situation is emergency in nature.
5. Employees are encouraged to complain in writing. Pursuant to CEPA, the employee must give the Department a reasonable opportunity to correct the activity, policy or practice.

E. Filing a Charge of Discrimination:

1. Charges of discrimination should usually, first, be filed with the Internal Affairs Unit / Officer on duty.
2. During times when the Internal Affairs Unit / Officer is not on duty, the charge of discrimination should be filed with the highest ranking officer on duty.
3. If the charge of harassment is against the highest ranking officer on duty, the charge should be made with the next highest ranking officer on duty.
4. Charges of discrimination may also be filed at any field office of the **UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)**. Field offices are listed in the telephone directory under "U.S. GOVERNMENT," or to reach the nearest EEOC field office, dial toll free (800) 669-4000.

5. A charge of discrimination on the basis of sex must be filed with the **EEOC** within 180 days of the alleged discriminatory act.

V. VIOLATIONS:

- A. Supervisors shall be held accountable for the enforcement of this directive
- B. Violations of this directive may result in progressive disciplinary action.

A handwritten signature in dark ink, appearing to read "Peter Fasilis", with a stylized, cursive script.

Peter Fasilis
Chief of Police