

Memorandum

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

**SUBJECT: DUTY MANUAL REVISION:
BEHAVIOR INVOLVING
DISCRIMINATION OR
HARASSMENT**

DATE: November 21, 2023

APPROVED

Memo #2023-029

BACKGROUND

A review of the Duty Manual revealed changes were necessary to bring Department policy into alignment with best practices.

The distribution of this memorandum is concurrent with Memo #2023-028 - Transgender, Gender Non-Conforming, and Non-Binary Employee Guide (2023).

ANALYSIS

The Duty Manual has been revised to reflect changes described below. Additions are shown in *italics and underlined*. Deletions are shown in ~~strike-through~~ form.

C 1311 BEHAVIOR INVOLVING DISCRIMINATION OR HARASSMENT: *Revised 11-21-23*

The City of San Jose does not tolerate or condone ~~illegal~~ discrimination or harassment and is committed to providing a work environment free of discrimination and harassment. All ~~e~~Department members are expected to be familiar with and comply with ~~the City's Harassment and Discrimination Policy under~~ City Policy Administrative Manual section 1.1.1 – *Discrimination and Harassment*. Discrimination or harassment based upon any of the following protected categories or statuses is prohibited:

- Race
- Color
- Religion (Religious Creed)
- National origin
- Ancestry
- Age ~~(40 and above)~~
- Sex
- Gender
- Pregnancy, childbirth, breastfeeding and/or related medical condition

- Sexual orientation
- Marital status
- Disability (e.g., Pphysical or motor, and Mental, including HIV and AIDS sensory, intellectual, psychosocial, visceral, etc.)
- Medical condition (e.g., cancer, genetic information or characteristics, HIV, AIDS, etc.)
- Any actual or perceived gender identity or gender expression (e.g., chosen name)
- Military or veteran status

"Discrimination" includes, but is not limited to, any practice, process or action in the workplace which works against equality of opportunity and against the ability of each person to be employed and to advance on the basis of merit without regard to the foregoing protected categories.

"Harassment" is defined by the existence of all of the following elements:

- Conduct that is based on a protected category and/or status; and
- Conduct that is unwelcome; and
- Workplace harm that which creates a hostile working environment or results in a tangible employment action (e.g., quid pro quo).

Department members will not engage in conduct in violation of the City's Discrimination and Harassment Policy, and no member will bring any racist, sexist, or otherwise discriminatory material into any San Jose Police facility, other than for legitimate law enforcement purposes. Members are responsible for maintaining a work environment free of discrimination and harassment, complying with the Duty Manual and City Policies on the matter and taking appropriate measures to ensure that such conduct does not occur. Accordingly, acts of discrimination or harassment in the workplace in violation of City Policy Administrative Manual section 1.1.1 are unacceptable and will not be tolerated.

Department members who violate the City's Discrimination and Harassment Policy are subject to disciplinary action, up to and including termination.

ORDER

Effective immediately, all Department personnel shall adhere to the above Duty Manual sections.



Anthony Mata
Chief of Police