

APPENDIX E

DISCRIMINATION COMPLAINT INTAKE FORM

RECOMMENDED ELIMINATION

LOS ANGELES FIRE DEPARTMENT DISCRIMINATION COMPLAINT INTAKE FORM		
A. GENERAL INFORMATION		Date of Intake:
Name:	Telephone:	Is it okay to call? Yes / No
Address:	Pager or Message #(s):	Is it okay to call? Yes / No
		Yes / No
Job Title / Class:	Employee#:	
Station or Unit:	Work Phone:	Is it okay to call? Yes / No
Representative (Optional):	Organization:	
B. BASIS(ES) FOR ALLEGED ACT(S) OF DISCRIMINATION		
<input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> Creed/Religion <input type="checkbox"/> National Origin <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> Marital Status <input type="checkbox"/> Ancestry <input type="checkbox"/> Sexual Harassment <input type="checkbox"/> Sex <input type="checkbox"/> Medical Condition (Cancer) <input type="checkbox"/> AIDS (afflicted or perceived) <input type="checkbox"/> Retaliation from having filed, or served as a witness in a discrimination complaint.		
C. Battalion(s) or Section(s) Involved:		
D. Allegation(s): State how you were affected by specific acts, why you believe the acts were the result of discrimination, the date of each occurrence, and the name(s) of any witnesses to the alleged act(s) of discrimination.		
Date(s) of Occurrence:		
Witness(es) (Optional):		
Allegation(s):		

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Date(s) of Occurrence:

Witness(es) (Optional):

Allegation(s):

E. List any additional witnesses you believe should be interviewed. – Why?

1.

2.

3.

4.

F. Remedy Sought:

ANALYST

COMPLAINANT

DATE FORM COMPLETED

APPENDIX F

SUPERVISORY GUIDE

COMPLAINT PROCESSING FOR SEXUAL HARASSMENT COMPLAINTS

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SUPERVISORY GUIDE

COMPLAINT PROCESSING FOR SEXUAL HARASSMENT COMPLAINTS

This Supervisory Guide provides additional information to assist officers, managers and supervisors in carrying out their responsibilities as described in the LAFD Sexual Harassment Prevention Policy and Complaint Procedure which is part of the Discrimination Prevention Policy Handbook.

A. OFFICER, MANAGER AND SUPERVISOR

1. When an officer, supervisor or manager receives a sexual harassment complaint about an employee, it is imperative to maintain objectivity while pursuing the following questions with the complainant:

- Determine if the complainant wants to make a formal complaint or is seeking advice or counseling information only.
- What happened?
- Who is the alleged harasser?
- What did he/she say and/or do?
- Where did the incident take place?
- When did the incident take place?
- Did anyone else witness the incident?
- Is this the only incident, or have there been others?
- What did the complainant do?
- Did the complainant indicate to the alleged harasser that the conduct was unwelcome? When?
- How did the complainant feel at the time? Now?
- Did the complainant tell anyone else about the alleged incident? Who else can give me relevant information?
- Did the complainant document or keep any notes about the alleged incident?
- Does the complainant have knowledge of others who have been affected by this person?
- Was the complainant's ability to perform work affected?

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- What action does the complainant believe will resolve the issues?
2. The questions in Section 1 are suggestions and intended to be a guideline for collecting relevant information. They are not intended to limit the lines of communication, as good follow-up questions are essential for drawing out and clarifying the information that you obtained. Once this information has been discussed:
- Assure the employee that you are taking the matter seriously.
 - Repeat information back to complainant for confirmation of the facts.
 - If a formal complaint is to be made, do not make promises of confidentiality but do discuss that to the extent possible, confidentiality will be maintained. *A Supervisor cannot act as a confidante if he or she believes sexual harassment has occurred.*
 - Tell the complainant what you intend to do and when you will get back to the complainant.
 - Document and date your discussion with the complainant.
 - Urge the complainant to report to you immediately if there is any repetition of the problem behavior or if reprisals occur.
3. After you have taken the above steps, it is also advisable to:
- Inform your supervisor and the Department Sexual Harassment Counselor about the situation immediately after your discussion.
 - Maintain confidentiality to the extent possible and continue to document appropriate facts that may surface while processing the complaint. If you cannot proceed without disclosing the complainant's identity, you should limit the number of persons contacted and require that each one maintain confidentiality. Consult with the Department Sexual Harassment Counselor.
4. After you have met with the complainant, it is advisable to:
- Assure the complainant that you will do everything possible to prevent any reprisals.
 - SINCE YOU HAVE KNOWLEDGE OF (ALLEGED) SEXUAL HARASSMENT,

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YOU MUST TAKE IMMEDIATE AND APPROPRIATE ACTION. This may take the form of reporting it to your supervisor, the Departmental Sexual Harassment Counselor, and/or proceed with the following steps:

- a. Arrange to talk to the alleged harasser in private. The accused has a right to representation during an investigation interview. NOTE: Documentation required.
 - b. Inform the alleged harasser that you have received a complaint about his or her behavior. Be clear that you are responding to an allegation and that you want to hear his or her side of the story. (Be neither accusatory nor dismissive of the seriousness of the complaint. Remain nonjudgmental.)
 - c. Explain the specific nature of the complaint, indicating the precise behavior that has been alleged.
 - d. Ask if the allegations are true. If the employee admits to the allegations:
 - Inform the employee that the behavior is unwelcome and must stop.
 - Remind the employee of the Department's sexual harassment policy.
 - Advise the employee that further appropriate corrective action may have to be taken, including discipline.
 - Document the conversations and any actions taken.
 - e. If the alleged harasser denies the allegations, advise the employee that a formal investigation will be necessary to properly resolve the complaint.
 - f. Cooperate with department staff investigators when formal investigations are necessary.
5. After investigation and resolution, generally advise the complainant that the investigation is completed and appropriate action will be taken. Additionally, if necessary, advise the complainant of his or her employee rights and the procedure for pursuing the complaint further if he or she is not satisfied.
6. If the supervisor receives a complaint against a non-employee, the supervisor shall conduct an investigation as indicated above and consult with the Department Sexual Harassment Counselor. The extent of the City's control and any other legal responsibility, which the City may have with respect to the conduct of the non-employee, shall be considered.

If the investigation finds that sexual harassment occurred during the scope of

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work for a non-employee, this information must be forwarded to their employer for corrective action. If the non-employee has no employer affiliation, such as a private citizen, appropriate action should be taken to prevent a recurrence. Such action may include modification of assignments to ensure no future contact, provide or add security, etc.

Each case for non-employees must be handled on an individual basis to determine the most effective remedy to stop the sexual harassment.

B. COMPLAINANT

An employee who believes he or she is the victim of inappropriate behavior that may be sexual harassment should be prepared to provide an officer/counselor with the following:

- What happened?
- Who is the alleged harasser?
- Did you indicate to the harasser that the alleged conduct was unwelcome?
- Where did the incident(s) take place?
- When did the incident(s) take place?
- How has your ability to perform work been affected?
- Did anyone else witness the incident?
- Was this the only incident, or were there others?
- What action(s) did you take?
- What were your feelings at the time? Now?
- Did you talk to anyone else about it? When?
- Did you document the incident by recording it in a diary, memo, or letter?
- How can the situation be resolved?

All allegations of sexual harassment will be thoroughly investigated. All persons named as potential witnesses by the complainant will be contacted during the course of the

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investigation. Anyone who is alleged to have committed acts of sexual harassment will be contacted during the investigation to allow him or her to respond to the allegations.

Any employee who observes an incident of sexual harassment shall cooperate in any investigation. ALL MEMBERS ARE ASSURED THAT THEY MAY COOPERATE IN SUCH INVESTIGATION WITHOUT FEAR OF RETALIATION OR REPRISAL BY THE CITY, DEPARTMENT MANAGEMENT, OR THEIR IMMEDIATE SUPERVISOR.

C. ACCUSED

If you are an employee that is named as the accused harasser in a sexual harassment complaint, you have the right to have representation during the investigation interview and you should be prepared to cooperate fully during the investigation. Just as the complainant has the right to a fair investigation, so does the accused. Provide the investigation officer/counselor with the following:

- From your perspective, what happened?
- Did the complainant indicate to you that the alleged conduct was unwelcome?
- Reflect upon the allegation(s) identified, and ask yourself from the complainant's perspective: Could my actions have been interpreted differently? By the complainant or others?
- Where did the incident(s) take place?
- When did the incident(s) take place?
- Did anyone else witness the incident?
- What action(s) did you take?
- What were your feelings at the time? Now?
- Did you talk to anyone else about it?
- Did you document the incident by recording it in a diary, memo, or letter?
- Do you have any other information that may be relevant to the investigation?

Persons named as witnesses by the accused harasser also will be interviewed. Once you have been notified that you are the accused harasser, you are still expected to adhere to a standard of conduct that is respectful to all employees in the department,

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including the complainant, any witness or supporter. Reprisals or vengeful acts will be perceived as retaliation and may result in an additional charge of discrimination.

Employees who have questions about rights and obligations set forth in this manual should contact the Department Sexual Harassment Counselor at (213) 473-7725 or the Personnel Department Citywide Sexual Harassment Counselor at (213) 473-9123.

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