



WADING RIVER FIRE DISTRICT BOARD OF FIRE COMMISSIONERS

1.15 Harassment Policy

OBJECTIVE:

Wading River Board of Fire Commissioners believe that the fire district should be an environment free of discrimination, and free of any form of harassment, based on race, color, religion, age, gender, sexual orientation, pregnancy, national origin, disability, marital or other protected status. The Board would like to ensure that no volunteer member or employee is subjected to harassment. Therefore, any offensive physical, written or spoken conduct, including conduct of a sexual nature, is prohibited.

APPLICABILITY:

All volunteer members / employees, regardless of their position, are covered by and are expected to comply with this policy, and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any volunteer member / employee who violates this policy. Based upon the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination.

POLICY:

The Board strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment within the District should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. The Board will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, the Board will seek to prevent, correct and discipline behavior that violates this Policy.

PROHIBITED CONDUCT UNDER THIS POLICY

1. Discrimination:

a) It is a violation of this Policy to discriminate in the provision of employment opportunities, benefits or privileges, to create discriminatory work conditions, or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, or marital status.

b) Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act 1964; the Age Discrimination Act of 1975; and the Americans With Disabilities Act of 1990. This Policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

c) Discrimination in violation of this Policy will be subject to severe sanctions up to and including termination.

2. Harassment:

Harassment, including sexual harassment, is prohibited by federal and state laws. This Policy prohibits harassment of any kind, and the Board will take appropriate action swiftly to address any violations of this policy. The definition of harassment is: verbal or physical conduct designed to threaten, intimidate or coerce. Also, verbal taunting (including racial and ethnic slurs) which, in the employee's opinion, impairs his or her ability to perform his or her job.

Examples of harassment are:

(1) Verbal: Comments which are not flattering regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body disability, or appearance. Epithets, slurs, negative stereotyping.

(2) Non-verbal: Distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual, or group because of national origin, race color, religion, age, gender, sexual orientation, pregnancy, appearance disability, marital or other protected status.

3. Sexual Harassment:

Sexual harassment in any form is prohibited under this policy. Sexual harassment is a form of discrimination and is unlawful under Title VII of the Civil Rights Act of 1964. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature... when... submission to or rejection of such conduct is used as the basis for employment decisions... or such conduct has the purpose or effect of... creating an intimidating, hostile, or offensive working environment."

There are two categories of unlawful Sexual Harassment:

1. "This for That" or "Quid Pro Quo" Harassment:

*Submission to sexual conduct is made either an explicit or an implicit condition of an individual's membership or employment;

* Submission to or rejection of sexual conduct is used as a basis for a membership or employment decision which might either positively or adversely affect the member or employee within the District, to include work assignments and other membership conditions;

2. "Hostile Work Environment" Harassment:

*The harassment is severe or pervasive enough to unreasonably interfere with a member or employee's work performance or to create an intimidating, hostile, or offensive workplace

Sexual harassment can be communicated in any fashion. For example, unwanted physical contact, foul language, sexually oriented propositions, jokes or remarks, obscene gestures or the display of sexually explicit pictures, cartoons or other materials may create one of the two types of sexual harassment.

District management may also take steps to control conduct before it becomes unlawful sexual harassment. Therefore, conduct within any facility or during any official function shall be done in a professional manner and free of sexual conduct, gestures, photographs, or other methods of, communication that might be considered offensive to another member or employee.

Some Examples of Sexually Harassing Behavior

1. Visual harassment, such as posters, magazines, calendars, cartoons, or caricatures.
2. Verbal harassment, such as repeated requests for dates, lewd comments, sexually explicit jokes, or whistling.
3. Written harassment, such as love letters, poems, or graffiti.
4. Non-verbal harassment, such as obscene or suggestive gestures or motions.
5. Subtle pressure or sexual activities.
6. Unnecessary touching, patting, pinching, rubbing, or kissing.
7. Leering or ogling. For example: men who look only at a woman's breasts or women who only look at a man's body.
8. Frequent intentional brushing up against another person's body.
9. Promise of a promotion or favorable assignment or advancement opportunities in return for sexual favors.
10. Demand of sexual favors accompanied by implied or overt threats regarding such matters as termination, negative evaluation, or denial of employment or membership benefits or opportunities.
11. Physical assaults or attempted assaults of a sexual nature or for a sexual purpose.

C. RETALIATION

- 1) No hardship, no loss or benefit, and no penalty may be imposed on an employee as punishment for:
 - a) Filing or responding to a bona fide complaint of discrimination or harassment;
 - b) Appearing as a witness in the investigation of a complaint; or
 - c) Serving as an investigator.

2) Retaliation or attempted retaliation is a violation of this Policy and anyone who does so will be subject to severe sanctions up to and including termination.

Complaint Procedure

Member: Any member who feels that he or she has been harassed should immediately report the matter to the Chief of Department. If the Chief of Department is unavailable to receive the complaint or if the member believes that it would be inappropriate to contact that person because he/she may be involved in the incident, the member should immediately contact another Deputy Chief. Similarly, any member who believes that he or she has witnessed harassment or who has reason to believe that harassment is taking place should do likewise within 24hrs of such incident.

The Office of the Chief is located at Wading River Fire District HQ, 1503 N. Country Rd., Wading River, New York, 11792.

Employee: Any employee who feels that he or she has been harassed should immediately report the matter to the Chairman of the Board. If Chairman is unavailable to receive the complaint or if the employee believes that it would be inappropriate to contact that person because he may be involved in the incident, the employee should immediately contact another District Commissioner. Similarly, any employee who believes that he or she has witnessed harassment or who has reason to believe that harassment is taking place should do likewise within 24hrs of such incident.

The Office of the Chairman is located at Wading River Fire District HQ, 1503 N. Country Rd., Wading River, New York, 11792.

The Fire District and/or Fire Department will handle all allegations of harassment in a lawful manner to ensure that any such conduct does not continue. As a matter of routine, the District and/or Fire Department will investigate complaints of harassment, but may reject anonymous complaints. Such investigations will be conducted as discreetly and as confidentially as circumstances allow. Informal discussion and resolution will be the preferred method of handling complaints. In any event, the District and/or Fire Department will not permit any person to be adversely affected in membership or employment with the District as a result of his or her having brought a complaint of harassment so long as such complaint was made in good faith.

All officers and supervisors investigating complaints reported as described above shall be required to fully investigate the complaints in a professional and discreet manner, and shall submit a report in writing to the Board of Fire Commissioners within two weeks of the receipt of such complaint. Appended to any such report of investigation shall be a copy of the written complaint submitted and any written reports given by witnesses or other Fire District personnel. In the event that such complaint is submitted verbally the substance of the complaint shall be stated in the investigating officer/supervisor report .

Standard for Evaluating Harassment

In order to determine whether “hostile work environment” harassment has occurred, the District may consider the following factors:

1. Whether the conduct was verbal or physical, or both;
2. How frequently it was repeated;
3. Whether the conduct was hostile and patently offensive;
4. The rank and authority of the alleged harasser;
5. Whether others joined in perpetration the alleged harassment; and
6. Whether the alleged harassment was directed at more than one individual.

After considering the above factors, the District will determine whether there is a reasonable basis for believing that the alleged violation of this Policy occurred.

Discipline

In the event that the District's investigation determines that any member or employee that has committed harassment, that individual may be subject to reprimand, demotion, suspension, or dismissal depending upon the magnitude and seriousness of the offence, as well as previous offenses, if any.

RELATED POLICIES:

- 1.7 Sexual Harassment Policy
- 1.12 Disciplinary Procedure Policy

Adopted by the Wading River Fire District Board of Fire Commissioners on Monday, 09/26/11.

Edward Frost, Chairman
Timothy Deveny, Commissioner
Michael Harrigan, Commissioner
Thomas Lateulere, Commissioner
James Meier, Commissioner