

SEXUAL HARASSMENT POLICY

#A-032

Amended 12-17-2004

In accordance with Title VII of the Civil Rights Act of 1964, as amended.

Policy Statement

It is the policy of the Union Vale Fire District (hereinafter known as the "District") to prohibit the harassment of any member or employee by any other member or employee on account of that person's sex. The District does not condone and will not tolerate Sexual Harassment by its members or employees, or the Sexual Harassment of its members or employees by anyone, including any officer, member, employee, vendor, or civilian. Sexual harassment includes same-sex harassment.

Every member and employee is expected and required to abide by this policy. Any member or employee who violates this policy will be subject to appropriate disciplinary action - up to and including termination of membership of the member and discharge of the employee.

Definition of Sexual Harassment

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.

Responsibilities of Officers

All officers are responsible to reasonably supervise the members and employees that report to them. They are not expected to be “mind readers,” but must take steps to prevent Sexual Harassment by being aware of the behavior and work conditions that take place under their supervision.

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.

Complaint Procedure

Any member or employee who feels that he or she has been sexually harassed should immediately report the matter to Chairman of the Board of the fire Commissioners. Similarly, any member who believes that he or she has witnessed Sexual Harassment or who has reason to believe that Sexual harassment is taking place should do likewise. If Chairman is unavailable to receive the complaint or if the member or employee believes that it would be inappropriate to contact that person because he may be involved in the incident, the member or employee should immediately contact another District Commissioner. The office of the Chairman is located at District HQ, Station 1, Verbank, New York.

The District will handle all allegations of Sexual Harassment in a lawful manner to ensure that any such conduct does not continue. As a matter of routine, the District will investigate

complaints of Sexual 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 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 Sexual Harassment so long as such complaint was made in good faith.

Standard for Evaluating Harassment

Determining the existence of “This for That” or “Quid Pro Quo” harassment is not particularly difficult. However, determining whether unwelcome sexual conduct rises to the level of the second category of unlawful harassment- “hostile work environment” harassment is more difficult. (See above for the definition of both kinds of Sexual 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 decide whether the conduct “unreasonably interferes with an individual’s work performance” or creates “an intimidating, hostile or offensive work environment.” In determining whether the harassment is sufficiently severe or pervasive to create a hostile work environment, the harasser’s conduct will be evaluated from the perspective of a “reasonable person” of the same gender as the member or employee who has brought the complaint.

The “reasonable person” standard will consider the victim’s perspective and not what may or may not have been acceptable in the past. For example, the Equal Employment Opportunities Commission believes that a workplace in which sexual slurs, displays of “girlie” pictures and members or employees believe it to be insignificant or harmless.

Isolated sexual conduct or remarks general do not create an unlawful environment, (Keep in mind, however, management may still choose to intervene before unlawful harassment occurs.) A hostile work environment claim generally will require a showing of a pattern of offensive conduct. A single, unusually severe incident of harassment, however, may be sufficient to constitute a Title VII violation; the more severe the harassment, the less need to show a repetitive series of incidents. This is particularly true when the harassment is physical.

Discipline

In the event that the District’s investigation determines that a member has committed Sexual 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.

Prevention of Sexual Harassment

The District prefers to emphasize the prevention of Sexual Harassment to the investigation and discipline that results after harassment has occurred. All members and employees are encouraged to:

1. Conduct themselves in a businesslike manner at all times.
2. Know the District's policy on Sexual Harassment
3. Be aware of your attitudes regarding the opposite sex in general and Sexual Harassment in particular.
4. Never ignore instances of Sexual Harassment or conditions giving rise to Sexual Harassment.
5. Set a positive example by treating everyone with respect and letting others know that you demand the same degree of respect from them.
6. Do not assume that sexually explicit jokes, cartoon or pictures, "friendly" gestures and so forth are harmless or inoffensive.
7. Refrain from making jokes at someone else's expense and from seeking to embarrass, humiliate, offend, or threaten others.
8. Carefully consider whether or not personal comments or questions are appropriate to the relationship and/or the workplace before speaking.
9. Do not "go along with the crowd" or as an individual accept the inappropriate behavior of others.
10. Be supportive of people who are being harassed or who have been sexually harassed.
11. Do not hesitate to seek help in preventing or remedying a situation of Sexual Harassment.
12. Weigh your options in dealing with Sexual Harassment carefully, since such obvious "fixes" such as remaining silent; transferring or resigning are rarely the best solution to the problem.
13. Do not use negative behavior to bring attention to yourself in an effort to bring attention to the problem.
14. Immediately stop any behavior that you believe, even as a remote possibility might be interpreted as Sexual Harassment.
15. Consider whether you would object to having your remarks recorded or your actions video-taped and later played back to your spouse, parents, friends or acquaintances. If you would have a problem with such an arrangement, reconsider

the appropriateness of your workplace behavior.

16. Communicate. If another member's conduct is offensive, tell them so.
17. Communicate. If you believe that your conduct may be offensive to someone, ask him or her if it is. Be prepared to respect their answer.