

CLARENCE FIRE DISTRICT NO. 1

SEXUAL HARASSMENT POLICY

I. SCOPE:

This policy is to provide for the prevention of sexual harassment within the Clarence Fire District No. 1 and the Clarence Fire Company.

II. OBJECTIVE:

- A. Provisions of this memorandum apply to all employees of the Clarence Fire District No. 1 and to all volunteer members of the Clarence Fire Company.
- B. The objective is to maintain a work environment free from sexual harassment and intimidation. Sexual harassment is unacceptable conduct in the workplace and will not be tolerated. District employees and Fire Company members have a responsibility under the Federal Code of Conduct and Ethics for maintaining high standards of honesty, integrity, impartiality and conduct to assure proper performance and maintain the confidence of the residents of Clarence Fire District No. 1. Any employee or member's conduct that violates this code cannot be condoned.

III. DEFINITION OF SEXUAL HARASSMENT:

- A. Sexual harassment refers to behavior of a sexual nature that is unwelcome and personally offensive to its recipient. Unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature constitute sexual harassment whenever:
 - 1. Submission to such conduct is made, either an explicit or an implicit condition of an individuals' employment.
 - 2. Submission to or rejection of such conduct is used as a basis for an employment decision, which might either positively or adversely affect an employee or volunteer member.
 - 3. The harassment is severe or pervasive enough to unreasonably interfere with an employee's or volunteer member's work performance or to create an intimidating, hostile or offensive workplace.
- B. 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 be considered offensive* to another employee or volunteer member and, thus, should not occur.

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IV. EXAMPLES OF AND PREVENTION OF SEXUALLY HARASSING BEHAVIOR:

A. The following are 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 for sexual activities.
6. Unnecessary touching, patting, pinching, rubbing or kissing.
7. Leering or ogling.
8. Frequent, intentional brushing up against another person's body.
9. Promise of a promotion, a favorable performance evaluation or career advancement opportunities in return for sexual favors.
10. Demand of sexual favors accompanied by implied or overt threats regarding such matters as termination, negative job evaluations and denial of job benefits or opportunities.
11. Physical assaults or attempted assaults of a sexual nature or for a sexual purpose.

B. The following are some examples to prevent sexual harassing behavior:

1. Conduct yourself in a business-like manner at all times.
2. Know the District's policy of 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, cartoons or pictures, "friendly" gestures and so forth are harmless or inoffensive.

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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 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" 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 videotaped and later played back to your spouse, parents, friends or acquaintances. If you have a real problem with such arrangement, reconsider the appropriateness of your workplace behavior.

V. PROCEDURE AND GUIDELINES FOR COMPLAINTS:

- A. Any employee or volunteer member who feels that he or she has been sexually harassed should immediately report the matter to the Chief or the Chief Officer of the District. Similarly, any employee or volunteer member who believes that he/she has witnessed sexual harassment or who has reason to believe that sexual harassment is taking place should do likewise. If neither the Chief or the Chief Officer is available to receive the complaint or if the employee or volunteer member believes that it would be inappropriate to contact either person, then the employee or volunteer member should immediately contact a member of the Board of Fire Commissioners of the Clarence Fire District No. 1 whose offices are located at 10355 Main Street, Clarence, NY 14031. They may be contacted either at their residences or by leaving a message at 759-8842.

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- B. 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 all complaints of sexual harassment. Such investigations will be conducted discretely and as confidentially as circumstances allow.
- C. No person will be subject to discipline, retaliation, intimidation or any other adverse treatment because he/she has made a complaint of discrimination or harassment in good faith. However, appropriate disciplinary action may be warranted for false accusations.

VI. EXCERPTS FROM EEOC POLICY GUIDELINES ON SEXUAL HARASSMENT:

- A. Since “hostile environment” harassment takes a variety of forms, many factors may affect this determination, including:
 - 1. Whether the conduct was verbal, physical or both;
 - 2. How frequently it was repeated;
 - 3. Whether the conduct was hostile and patently offensive;
 - 4. Whether the alleged harasser was a co-worker or a supervisor;
 - 5. Whether others joined in perpetrating the harassment; and
 - 6. Whether the harassment was directed at more than one individual.

VII. STANDARD FOR EVALUATING HARASSMENT:

- A. In determining whether unwelcome sexual conduct rises to the level of a “hostile environment” in violation of Title VII, the central inquiry is 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 environment, the harasser’s conduct should be evaluated from the perspective of a “reasonable person” (of the same gender as the individual at whom the behavior is targeted).
- B. A “reasonable person” standard should also be applied to the more basic determination of whether the challenged conduct is of a sexual nature. This objective standard should not be applied in a vacuum; however, consideration should be given to the context in which the alleged harassment took place. The trier of fact must “adopt the perspective of a reasonable person’s reaction to a similar environment under similar or like circumstances.”

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- C. The “reasonable person” standard should consider the victim’s perspective and not stereotyped notions of acceptable behavior. For example, the Commission believes that a workplace in which sexual slurs, displays of “girlie” pictures and other offensive conduct abound can constitute a hostile work environment, even if many people deem it to be insignificant or harmless.

VIII. ISOLATED INCIDENTS OF HARASSMENT:

- A. Unless the conduct is quite severe, a single incident or isolated incidents of offensive sexual conduct or remarks generally do not create an abusive environment. A hostile environment claim generally *requires a showing of a pattern of offensive conduct*. But a single, unusually *severe incident of harassment 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.
- B. When the victim is the target of both verbal and non-intimate physical conduct, the hostility of the environment is exacerbated and a violation is more likely to be found. Similarly, incidents of sexual harassment directed at other employees, in addition to the charging party, are relevant to a showing of hostile work environment.

IX. NON-PHYSICAL HARASSMENT:

- A. When the alleged harassment consists of verbal conduct, the investigation should ascertain the nature, frequency, context and intended target of the remarks. Questions to be explored might include:
1. Did the alleged harasser single out the charging party?
 2. Did the charging party participate?
 3. What was the relationship between the charging party and the alleged harasser(s)?
 4. Were the remarks hostile and derogatory?
- B. No one factor alone determines whether particular conduct violates Title VII: the totality of the circumstances must be evaluated. In general, a woman does not forfeit her right to be free from sexual harassment by choosing to work in an atmosphere that has traditionally included vulgar, anti-female language.

X. PERSONAL PROTECTIVE GEAR:

- A. When putting on or removing personal protective (firefighting) gear, no member shall disrobe or otherwise remove any article(s) of essential clothing in the dressing area. This policy is intended to prevent any firefighter from being placed in a situation of embarrassment or otherwise compromising position.
- B. If any firefighter deems it necessary to remove essential clothing, that firefighter is directed to do so in the appropriate lavatory of his/her gender.

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- C. For the purposes of the Policy, "Essential Clothing", includes, but is not limited to pants, skirts, shorts, underwear, tops or any other item of clothing where the removal thereof would cause embarrassment to the person disrobing or to any other firefighter who may be in the apparatus area.

XI. POLICY REQUIREMENTS:

- A. As indicated in the "Objective" (paragraph A), every employee and volunteer member of the Clarence Fire District No. 1 is *required* to abide by this policy. It is *further required* (mandatory) that all employees and all volunteer members will be given a copy of this policy, along with instructions from either the Chief and/or his designee.
- B. It shall be mandatory that every employee and/or volunteer member will sign an official Fire District/Fire Company document acknowledging his/her receipt of a copy and/or instructions.
- C. This document shall be reviewed with every employee and/or volunteer member on an annual basis.
- D. This document will be reviewed annually and amended if appropriate.

This policy is adopted March 12, 2012 and supersedes the previous version of this policy adopted September 11, 2006.

By order of the Board of Fire Commissioners, Clarence Fire District No. 1

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I have read and understand what conduct is expected of me in regard to the Clarence Fire District No. 1 Sexual Harassment Policy.

Name (Print)

Signature

Date