

LOWER MACUNGIE FIRE DEPARTMENT GENERAL AND SEXUAL HARASSMENT POLICY

General Harassment Policy

This policy prohibits harassment, not only by or toward employees and members, but also by or toward vendors, contractors, suppliers, visitors, tradespeople, and other non-employees on the Department's premises or while conducting business with the Department.

It is the policy to maintain a working environment where everyone is treated with mutual respect. All workplace relationships should be professional and free of harassment, unlawful bias and other offensive conduct. The Department will not tolerate unlawful discrimination, including harassment based on sex, race, religion, national origin, sexual orientation, disability and any other forms of behavior which it determines are inappropriate in the workplace, even if it does not amount to unlawful harassment.

Sexual Harassment Policy

Consistent with the Federal guidelines, the Department's position is to clearly state the prohibition of sexual harassment in the Department workforce/membership. Specifically, the Department's position is:

"The Department will not tolerate sexual harassment of personnel/employees."

This policy prohibits sexual harassment, not only by or toward employees/members, but also by or toward vendors, contractors, suppliers, visitors, tradespeople, and other non-employees on the Department's premises or conducting business with the Department.

Acts of Sexual Harassment are subject to disciplinary action, up to and including termination of membership/employment.

Definitions

General Harassing Conduct

Verbal, physical or visual conduct that relates to race, color, gender, national origin, sexual orientation, age, disability, religion, any other protected classification, or any conduct that has the purpose or effect of interfering with work performance or creating an intimidating, hostile or offensive working environment.

Sexually Harassing Conduct

Sexual harassment, as defined by Equal Employment Opportunity Commission (EEOC), consists of unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual or sex-based nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's membership/employment; (2) submission to or rejection of such conduct by an individual is used as the basis for membership/employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Sexual harassment may include non-sexual conduct that is discriminatory on the basis of the person's gender.

The Department expressly prohibits any member/employee from explicitly or implicitly linking any term or condition of membership/employment to sexual or romantic conduct, even if the conduct is consensual.

No member shall threaten or insinuate, either explicitly or implicitly, that an member's/employee's refusal to sexual advances will have an adverse effect on the member's/employee's membership/employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of membership/employment or career development.

Examples of behavior that would constitute harassment include, but are not limited to:

- Jokes, stories, comments, sexually aggressive conduct and innuendo, or verbal abuse of a sexual nature;
- Offensive or degrading or derogatory words used to describe or refer to a person;
- Inquiries into or descriptions of one's sexual experiences or activities;
- Using spoken or written words, drawings, e-mail or other means to discuss sexual activities or engage in sexual gossip or to make graphic or degrading comments about someone's appearance, dress, body, sexual prowess, sexual deficiencies, sexual orientation or sexual activities;
- Unwelcome advances, including unwanted flirtation, gifts, advances, propositions, suggestions, and direct or subtle pressure for sexual activity, which is unwanted and unreasonably interferes with a person's work environment;
- Coerced sexual acts;
- Preferential treatment or promises of same for submitting to sexual conduct;
- Stalking, assault, rape or unnecessary physical conduct;
- Any display in the workplace, or while on Department business, of inappropriate sexually-oriented materials in a location where others can see it.

While sexual harassment is not easy to define, and examples of all possible forms of sexual harassment cannot be listed, a good guideline is that any sexual attention should be avoided.

Confidentiality

All inquiries about the Harassment Policy, filing a harassment complaint and/or the harassment investigation process are treated confidentially. The Department will maintain confidentiality in the investigation process, as much as reasonably possible, consistent with its obligation to investigate and respond to the complaint. The Department in its discretion may take reasonably necessary or prudent interim measures pending the outcome of the investigation.

Complaint and Investigation Process

Any member/employee or applicant who feels she/he is a victim of, or is otherwise aware of, a violation of this policy is encouraged to promptly inform an Administrative Officer or a Chief Officer. Any Administrative Officer/Chief Officer who is advised or aware of a possible violation of this policy should immediately inform the President or Vice President. If an Officer is aware of anyone subjected to acts of harassment and does not inform the President, Vice President, or Chief Officer, the Officer may be personally liable for any legal actions brought against the Department. In addition, the Officer will be subject to disciplinary action, up to and including termination.

The Department will be responsible for handling and investigating all complaints, except if the complaint is made by or against an Administrative Officer or a Chief Officer, in which case a private investigator will be hired. Each situation will be promptly investigated.

Making a formal or informal complaint that someone has engaged in harassment, knowing the complaint is false, is prohibited. Anyone making a deliberate dishonest allegation will be subject to disciplinary

action, up to and including termination of membership/employment.

No Retaliation / Reprisal

Any individual who reports or complains about harassment, sexual harassment, or improper conduct, or who assists the Department in the investigation of such behavior, will not be subject to retaliation. If you have witnessed or experienced behavior you believe to be retaliation, or if you are aware of such behavior, you have the responsibility to report the behavior immediately to a Department Administrative Officer or Chief Officer.

The Department will not tolerate any effort to avoid, hinder or corrupt the complaint or investigation process, including refusal to cooperate with an investigation or knowingly making false statements to an Administrative Officer or Chief Officer during the complaint or investigation process. Such actions may result in disciplinary action up to and including termination of membership/employment.

Corrective Action and Prevention

The Department will take corrective action when it has reason to believe there has been a violation of this policy. The Department will take reasonably appropriate disciplinary action and/or remedial measures, up to and including termination of membership/employment, based on the totality of the circumstances.

In all reports of general or sexual harassment, the Department will, in a confidential manner, investigate complaints. Appropriate disciplinary action, including termination of membership/employment, could be imposed in proven circumstances.

The best way to prevent harassment is to work in an environment that encourages pride and mutual respect. Every effort should be made by all personnel to assure a workplace which is totally free of any form of harassment.

Action Required

A notice shall be posted at each department building indicating how to report harassment incidents.

Approved On: 10/29/2014