

STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT
POLICIES & PROCEDURES

ARTICLE: B-11
SECTION: Personnel Division
DATE: May 19, 2009
SUPERSEDES: NEW
TITLE: Harassment Policy

PURPOSE

It is the intention of this Policy to prohibit, eliminate and prevent unlawful harassment and its effects in the workplace. To do this, the SCFPD, through this Policy, will define unlawful harassment, and will set forth a procedure for filing, investigating and resolving internal complaints of unlawful harassment. SCFPD is proud of its tradition of a collegial work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere, which promotes equal opportunities and prohibits discriminatory practices. **AT STANISLAUS CONSOLIDATED FIRE PROTECTION DISTRICT, HARASSMENT, WHETHER VERBAL, PHYSICAL, OR ENVIRONMENTAL, IS UNACCEPTABLE AND WILL NOT BE TOLERATED.**

A. POLICY:

Harassment of an applicant or employee by a supervisor, management employee, elected or appointed official, contract employee, volunteer, or co-worker on the basis of race, religion, sex, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation is not acceptable and will not be tolerated. This Policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation and training.

Disciplinary action up to, and including, termination will be instituted for behavior described in the definition of harassment set forth below. Any retaliation against a person for filing a harassment charge or making a harassment complaint is prohibited. Employees (supervisors, co-workers and management) found to be retaliating against another employee shall be subject to disciplinary action up to, and including, termination.

B. DEFINITION:

Harassment includes, but is not limited to:

- Speech such as epithets, derogatory comments or slurs and lewd propositioning on the basis of race, sex, religion, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation. This includes inappropriate sex-oriented comments on appearance, including dress or physical features, or race-oriented stories and jokes.
- Physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement when directed at an individual on the basis of race, sex, religion, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation. This includes pinching, grabbing, patting, propositioning,

- Visual insults, such as derogatory posters, cartoons or drawings related to race, sex, religion, national origin, ancestry, disability, medical condition, marital status, age or sexual orientation.
- Unwanted sexual advances, requests for sexual favors, and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions affecting such individual, or where submission to or rejection of the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive work environment.
- **It is no defense to a claim of harassment that the alleged harasser did not intend to harass.**

C. FILING:

While SCFPD encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome, SCFPD also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting a harassment complaint.

1. An employee, job applicant, or person seeking SCFPD services who believes he or she has been harassed may make a complaint orally or in writing with any of the following:
 - Immediate supervisor
 - Any Battalion Chief within the department
 - Fire Chief of this department

Aggrieved persons should first consider resolving their concerns at the supervisory level. If this is not possible, they should then proceed up the chain of command.

2. Applicants or employees may also file a complaint with a government agency such as the Department of Fair Employment and Housing or the Equal Employment Opportunity Commission.

D. INVESTIGATING:

1. After receiving the internal complaint, the internal complaint receiver shall inform the Fire Chief. The Fire Chief will assign an investigator. This investigator may be a Stanislaus Consolidated Fire Protection District employee.
2. The investigator shall, within thirty (30) days, consult with the aggrieved person, advise the person of his or her civil rights, make necessary inquiries in an effort to resolve the complaint, counsel the aggrieved person on issues of the case as necessary, and report findings to the Fire Chief. Additional time may be requested by the investigator, if necessary. The investigation shall include interviews with: (a) the complainant; (b) the accused harasser [the right to have a representative present will be given to those covered employees as disciplinary action could result from the investigation]; and, (c) any other persons the Fire Chief has reason to believe have relevant knowledge concerning the complaint. This may include victims of similar conduct.

3. Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment giving consideration to all factual information, the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.
4. Report the results of the investigation and the determination as to whether harassment occurred to the appropriate persons, including the complainant, the alleged harasser, and the Fire Chief. The complainant will not be informed of any disciplinary actions.

E. RESOLVING:

The Fire Chief, upon receiving the investigation report, will determine:

- What, if any disciplinary action, prompt and effective remedial action against the harasser, is appropriate. **The action will be commensurate with the severity of the offense, taking into account the SCFPD's zero-tolerance policy toward unlawful harassment behavior.**
- Take reasonable steps to protect the complainant from further harassment.
- Take reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.
- Review current Policies and Procedures to determine if any changes need to be made.

APPLICATION

This Policy applies to all employees of Stanislaus Consolidated Fire Protection District, including contract employees, supervisory employees, department heads, and elected officials. All employees shall receive a copy of this Policy and shall sign a written acknowledgment that they have received and read a copy of the anti-harassment policy. A copy of this acknowledgment shall be placed in the employee's personnel file.

CONCLUSION

Stanislaus Consolidated Fire Protection District has developed this Policy to ensure that all its employees can work in an environment free from harassment. The District will make every effort to ensure that all personnel are familiar with the Policy and know that any complaint received will be thoroughly investigated and appropriately resolved.

Written by: Captain Ron Cripe

Approved by: _____

Date: June 11, 2009