

Article I. SEXUAL HARASSMENT POLICY

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Section 1.01 Statement of Policy

Sexual harassment violates both state and federal civil rights laws and District nondiscrimination policy. The District is committed to providing and promoting an atmosphere in which employees can realize their maximum potential in the workplace and non-employees can interact with District personnel. Toward this end, all members of the District community (including directors, supervisors and non-supervisory personnel) must understand that sexual harassment will not be tolerated, and that they are required to abide by the following policy.

Section 1.02 Sexual Harassment Prohibited

It is the established policy of The Normandy Fire Protection District that sexual harassment by and of its employees is unacceptable and will not be tolerated.

Section 1.03 Work Environment

The Normandy Fire Protection District will not allow any form of sexual harassment within the work environment. Because sexual harassment interferes with performance; creates an intimidating, hostile, or offensive work environment; influences or tends to affect the career, salary, working conditions, responsibilities, duties, or other aspects of

career development of an employee or prospective employee; or creates an explicit or implicit term or condition of an individual's employment, it will not be tolerated.

Section 1.04 Defined

Sexual harassment, as defined in this policy, includes, but is not limited to, sexual advances, verbal or physical conduct of a sexual nature, visual forms of a sexual nature (e.g. signs, posters, and the like), or requests for sexual favors.

Section 1.05 Examples

"Sexual harassment" includes but is not limited to:

- a. All unwelcome sexual advances or requests for sexual favors, or other verbal or physical conduct of a sexual nature;
- b. Making submission to or rejection of such conduct the basis for any employment related decisions affecting the employee; and
- c. Creating a hostile, offensive working environment by such conduct.

Section 1.06 Non Employees

This policy refers not only to supervisor-subordinate actions but also applies to actions between employees and non-employees.

Section 1.07 Duty to Report

Any employee who believes he or she has been the subject of sexual harassment should report the alleged act immediately to the next level within your chain of command, to the Fire Chief, President of the District and Chairman of the Board of Directors, or to any higher level of management with whom you feel comfortable.

Section 1.08 Written Complaints

The employee must make a written statement of the complaint as hereinafter provided.

Section 1.09 Sexual Harassment Prohibited

This policy prohibits "quid pro quo" and "hostile environment" sexual harassment as defined below.

(a) Quid Pro Quo Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature by one in a position of power or influence constitutes "quid pro quo sexual harassment" when 1) submission by an individual is made either an explicit or implicit term or condition of employment or of receipt of district services, or 2) submission

to or rejection of such conduct is used as the basis for receipt of public services or employment decisions affecting that employee or non-employee. As defined here, “quid pro quo sexual harassment” normally arises in the context of an authority relationship. This relationship may be direct as in the case of a supervisor and subordinate or citizen and employee or it may be indirect when the harasser has the power to influence others who have authority over the victim.

(b) Hostile Environment Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature constitute “hostile environment sexual harassment” when such conduct is directed toward an individual because of his or her gender and has the purpose or effect of 1) creating an intimidating, hostile, or offensive work or service environment, or 2) unreasonably interfering with another’s work or performance. Generally, a single sexual joke, offensive epithet, or request for a date does not constitute hostile environment sexual harassment; however, being subjected to such jokes, epithets or requests repeatedly may constitute hostile environment sexual harassment.

In determining whether alleged sexual harassing conduct warrants corrective action, all relevant circumstances, including the context in which the conduct occurred, will be considered. Facts will be judged on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual.

Section 1.10 Reporting of Sexual Harassment Allegations

Persons who believe they have been victims of sexual harassment should report the incident(s) immediately to appropriate administrative officials as set forth below. Delay in reporting makes it more difficult to establish the facts of a case and may contribute to the repetition of offensive behavior.

(a) Confidentiality

The District will do everything consistent with enforcement of this policy and with the law to protect the privacy of the individuals involved and to ensure that the complainant and the accused are treated fairly. Information about individual complaints and their disposition is considered confidential and will be shared only on a “need to know” basis.

(b) Assurance Against Retaliation

This policy seeks to encourage employees and non-employees to express freely, responsibly, and in an orderly way opinions and feelings about any problem or complaint of sexual harassment. Retaliation against persons who report or provide information about sexual harassment or behavior that might constitute sexual harassment is also strictly prohibited. Any act of reprisal, including internal interference, coercion, and restraint, by a District employee or by one acting on behalf of the District, violates this policy and will result in appropriate disciplinary action.

This sexual harassment policy shall not, however, be used to bring frivolous or malicious complaints against employees. If a complaint has been made in bad faith, as demonstrated by clear and convincing evidence, disciplinary action may be taken against the person bringing the complaint.

(c) Reporting Channels

The following sections identify appropriate sexual harassment resource persons and complaint-receiving officials non-employees and employees should contact regarding sexual harassment.

(i) Responsibilities of Supervisory Personnel

All members of the District community have a general responsibility to contribute in a positive way to a District environment that is free of sexual harassment. Supervisory personnel, however, have additional responsibilities. Supervisory personnel are not only responsible for educating and sensitizing employees under their command about sexual harassment issues, but they are also directed to take all appropriate steps to prevent and stop sexual harassment in their areas of responsibility. Supervisory personnel who are contacted by an individual seeking to file a complaint about sexual harassment under their command or area of responsibility shall assist the complainant in contacting the appropriate complaint-receiving officials identified below.

(ii) Non-Employee Complaints

Non-employees with complaints of sexual harassment against directors, supervisory employees and non-supervisory employees of the fire district should contact the Administrative Secretary of the District, the Fire Chief or the President of the District. An employee to whom a non-employee has come with a complaint of sexual harassment should recommend that the non-employee contact the Administrative Secretary of the District, the Fire Chief or the President of the District.

Non-employees who believe for any reason that they cannot effectively communicate their concern through any of the above identified persons, may direct their complaint to any employee in the district or may appear at a closed session of the Board of Directors to lodge their complaint.

(iii) Employee Complaints

Employees should report complaints of sexual harassment to their immediate supervisor, unless their complaint is against said supervisor, in which case their complaint should be directed to their supervisor's supervisor.

Employees who believe for any reason that they cannot effectively communicate their concern through any of these supervisory persons may direct their complaint to the

Administrative Secretary of the District, the Fire Chief, the President of the District or the Board of Directors as a whole.

Section 1.11 Procedures for Handling Complaints of Sexual Harassment

Individuals who believe they are victims of sexual harassment in their working or interactive environments are encouraged to respond to the alleged harasser directly, by objecting and by requesting that the unwelcome behavior stop. Individuals may also seek assistance or intervention, short of filing a complaint, from their supervisor or District complaint-receiving officials referenced above.

An initial discussion between the complainant and the complaint-receiving official will be kept confidential to the extent allowed by law, with no formal written record. The complaint-receiving official will explain the options available and will counsel the complainant. If the complainant, after an initial meeting with the complaint-receiving official, decides to proceed, the complainant will be requested to provide a written statement describing the complaint.

Complaints of sexual harassment will receive prompt attention. Complaints may be resolved through the informal or formal procedures described below, and appropriate action will be taken. Informal means are encouraged as the beginning point, but the choice of where to begin normally rests with the complainant. However, if the complaint-receiving official believes that the matter is sufficiently grave because it seems to be part of a persistent pattern, because of the nature of the alleged offense, or because the complainant seeks to have a sanction imposed, then the complaint-receiving official will initiate a formal procedure, or take other appropriate action.

(a) Informal Procedures

1. The complainant may attempt to resolve the matter directly with the alleged offender and report back to the complaint-receiving official.
2. The complaint-receiving official may notify the alleged offender of the complaint, paying appropriate attention to the need to maintain confidentiality. The complaint-receiving official may take whatever steps short of formal sanctions that he or she deems appropriate to effect an informal resolution acceptable to both parties.
3. Where the alleged offender is a non-employee, the complainant and accused may choose to participate in mediation.

If a complaint is resolved informally, no record of the complaint will be entered in the alleged offender's personnel file. However, the complaint-receiving official will, in the form of a confidential file memorandum, record the fact of the complaint and the resolution achieved. A copy of this memorandum will be forwarded to the Administrative Secretary where it will be retained in confidential files.

(b) Formal Procedures

In formal resolution procedures, the written and signed complaint will be directed to the following officials:

1. If the formal complaint is against an employee other than the Fire Chief, it should be directed to that employee's immediate supervisor.
2. If the formal complaint is against the employee's immediate supervisor, it should be directed the supervisor of that employee's immediate supervisor.
3. If the formal complaint is against the Fire Chief, it should be directed to the Chairman of the Board/President of the District.
4. If the formal complaint is against a Director, it should be directed to the other two members of the Board.
5. If the formal complaint is against an independent contractor employed or retained by the District, it should be directed to the Administrative Secretary, Fire Chief or President of the District.

The officials listed directly above, or their appointed designees, will conduct whatever inquiry they deem necessary and will arrange conferences with the complainant, the alleged offender, and any other appropriate persons. The investigation will afford the accused an opportunity to respond to the allegations. Those directing investigations will make a record of the case, including a record of their decision, and a copy of that record will be forwarded to the Administrative Secretary, Fire Chief and the Board of Directors, where it will be retained in confidential files. The complainant and the alleged offender will be notified of the outcome of the investigation; however, that information should be treated by both parties as confidential and private. All records of sexual harassment complaints will be retained by the District Compliance Officer in confidential files. A complainant not satisfied with the resolution achieved by the formal procedures may discuss the matter further with the Board of Directors in a closed meeting.

Section 1.12 Disciplinary Sanctions

A conclusion that sexual harassment has occurred shall subject the offender to appropriate disciplinary action and may result in suspension, discharge, expulsion or dismissal.