

Hurricane Fire Rescue

Hurricane, WV

Administrative Guidelines

Subject
Guideline Number
Adopted
Effective Date
Pages

Harassment
800.118
March 1, 2007
April 7, 2007
3

Purpose: This policy is to establish guidelines for a harassment-free workplace.

Scope: All personnel.

Responsibility: All personnel are responsible for a harassment-free environment.

Hurricane Fire & Rescue expressly prohibits any form of unlawful harassment based on race, color, religion, sex, national origin, age, disability, or status in any group protected by federal, state, or local law. Such conduct is not only morally unacceptable; it violates federal and state laws and will be dealt with accordingly.

With respect to sexual harassment, the department will not tolerate the following:

1. Unwelcome sexual advances; requests for sexual favors; and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:
 - a. Submission to such conduct is made either explicitly or implicitly as a term or condition of membership;
 - b. Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's membership; or
 - c. Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive environment.
2. Offensive comments, jokes, innuendos, and other sexually-oriented acts or statements, including but not limited to: repeated offensive sexual advances, repeated, verbal abuse of a sexual nature, or unwelcome display in the work place of sexual or sexually suggestive pictures or objects.

It should be noted that department business requires frequent visits to homes, businesses, and other locations for business purposes. Accordingly, it is particularly suitable to department membership circumstances that this policy extends to harassment occurring off department premises, such as, by way of example and not limitation, inspections, scenes of incidents, training sessions, conferences, meetings, and other events.

This policy also extends to non-members, such as, by way of example and not limitation, vendors' personnel, sales representatives, and membership applicants.

Any member, who believes he/she is being subjected to job-related harassment based on sex, race, color, religion, age, national origin, disability, or another factor, or believes he/she has been treated in an unlawful, discriminatory manner, should immediately inform the offending party to stop such offensive conduct and notify an officer of the incident. Should the conduct continue at that time, or at a later time, he/she should immediately report such incidents to an officer. Officers are to document the incidents in writing and immediately forward a copy to the fire chief.

A code of confidentiality in such cases will prevail to the maximum extent possible. Victims of harassment are strongly encouraged to come forward as soon as possible.

The Fire Chief and/or his/her designee will immediately investigate such reports. In the event the Fire Chief is disqualified from serving by reason of personal interest or otherwise, an investigative team of at least three member(s), two of which must be members of the Board of Directors, may be appointed by department's Board of Directors as appropriate. The question of whether or not a particular action or incident or series of actions or incidents constitutes prohibited behavior requires a determination based upon a finding of all available relevant facts regarding the matter, which determination will be made by the investigation team as soon as reasonably possible given all the facts and conditions of the situation.

The investigation team will report its written findings together with a determination of actions, remediation, and/or sanctions to the members involved to the Fire Chief (or the Board). The written report, or any part thereof, may be appealed by either party to the Fire Chief, who will review the record of the investigation for arbitrary, capricious, unreasonable, prejudiced or clearly erroneous determinations.

As an alternative, a simplified and less formal procedure may be employed, provided both parties agree, whereby only one member of the investigation team investigates, decides, and issues a written report, and orders

remediation if needed regarding any complaint of harassment. Such report, as well as the appeal from such report, will carry the same weight, force, and effects as if a team issued the decision and report.

A code of confidentiality will prevail to the maximum extent possible in such investigations and reports. This means that no party (accused or accuser) or witness to alleged harassment will communicate respecting such matter to any other member except the investigation team and the appropriate officer. This policy protects all parties involved and promotes a positive work environment.

Any member at any level who is found, after investigation, to have engaged in sexual or other harassment of another member or non-member in the work place will be subject to disciplinary sanctions, depending on the circumstances, ranging from a verbal warning up to and including termination.

Hurricane Fire & Rescue prohibits retaliation against any member for filing a bona fide complaint under this policy or for assisting in a complaint investigation. Appropriate remediation will take place to prevent such retaliation.

If after investigating any complaint of harassment or unlawful discrimination, if it is determined that the complaint is not bona fide or that a member has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave false information.