

Waterloo Vol Fire Department Standard Operating Guidelines

Workplace Harassment

Objective

The Waterloo Vol. Fire Department strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of the organization should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Members should be able to work and learn in a safe, yet stimulating atmosphere. The accomplishment of this goal is essential to the mission of the Waterloo Vol. Fire Department. For that reason, Waterloo Vol. Fire Department will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of members, the fire department will seek to prevent, correct and discipline behavior that violates this policy.

All members, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any member who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension or termination of membership.

Prohibited Conduct Under This Policy

Waterloo Vol. Fire Department, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

Discrimination

It is a violation of Waterloo Vol. Fire Department's policy to discriminate in the provision of member opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in the fire department if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information or marital status.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act 1964, the Age Discrimination Act

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of 1975, and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including loss of membership.

Harassment

Waterloo Vol. Fire Department prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker or any person working for or on behalf of Waterloo Vol. Fire Department. Verbal taunting (including racial and ethnic slurs) that, in the member's opinion, impairs his or her ability to perform his or her job is included in the definition of harassment.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.

Sexual Harassment

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under Waterloo Vol. Fire Department's anti-harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission

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to or rejection of such conduct is used as the basis for employment decisions or such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment."

There are two types of sexual harassment:

- "Quid pro quo" harassment, where submission to harassment is used as the basis for employment decisions. Employee benefits such as new equipment, promotions and better working hours are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Examples: An officer promising a member new gear if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.
- "Hostile work environment," where the harassment creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees or customers. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials or even unwelcome physical contact as a regular part of the work environment. Texts, e-mails, cartoons or posters of a sexual nature; vulgar or lewd comments or jokes; or unwanted, unnecessary touching or fondling all fall into this category.

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Is made explicitly or implicitly a term or condition of employment.
- Is used as a basis for an employment decision.
- Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and

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verbal abuse or “kidding” that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.

- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, photos, text messages, tweets and Internet postings; or other form of communication that is sexual in nature and offensive.
- Physical sexual harassment includes unwelcome, unwanted physical contact, including unnecessary, repeated, touching, standing too close or brushing up against, tickling, pinching, patting, grabbing, cornering, kissing and fondling and forced sexual intercourse or assault.
- Repeatedly asking a person to socialize during off-duty hours when the person has said no or has indicated he or she is not interested (supervisors in particular should be careful not to pressure their employees to socialize)
- Repeated attempts to contact a person by phone, text, message apps etc. for social purposes when he or she has indicated they are not interested in communicating with that person in that manner.
- Giving gifts or leaving objects that are sexually suggestive

Courteous, mutually respectful, pleasant, non-coercive interactions between employees, including men and women, that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment. When determining if harassment has occurred the nature, frequency and severity of the behavior will be considered. Single acts are not normally, unless severe in nature, considered harassment under this policy. However anytime an employee feels intimidated, threatened or uncomfortable because of the actions of another they should share that information with the other person or a supervisor so corrective actions may be taken immediately and the behavior corrected and or stopped. Often the best resolution is for self-corrected behavior. The person being accused of harassing may not be aware that their behavior is not being welcomed or is

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offensive to the other party. Employees witnessing or becoming aware of unwelcome or harassing behavior should also try to inform the person or people causing the behavior that it is unwelcomed and could lead to problems.

Retaliation

No hardship, loss, benefit or penalty may be imposed on an employee in response to:

- Notification to a person that their actions are not welcomed by another
- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy. Any person who is found to have violated this aspect of the policy will be subject to sanctions up to and including termination of employment.

Complaint Process

Waterloo Vol. Fire Department will courteously treat any person who invokes this complaint procedure, and the company will handle all complaints swiftly and confidentially to the extent possible in light of the need to take appropriate corrective action. Lodging a complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. Because of the damaging nature of harassment to the victims and to the entire workforce, aggrieved employees are strongly urged to use this procedure. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Confidentiality

During the complaint process, the confidentiality of the information received, the privacy of the individuals involved and the wishes of the complaining person will be protected to as great a degree as is possible. The expressed wishes of the complaining person for confidentiality will be considered in the context of the company's legal obligation to act on the charge and the right of the charged party to obtain information. In most cases, however, confidentiality will be strictly maintained by the company and those involved in the investigation. In addition, any notes or documents written by or

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received by the person(s) conducting the investigation will be kept confidential to the extent possible and according to any existing state or federal law.

Complaint procedure

The Waterloo Vol. Fire Department has established the following procedure for lodging a complaint of harassment, discrimination or retaliation. The company will treat all aspects of the procedure confidentially to the extent reasonably possible.

1. Any employee who believes he or she has been the target of sexual harassment is encouraged to inform the offending person orally or in writing either in person or through a third party that such conduct is unwelcome and offensive and must stop. If the employee does not wish to communicate directly with the offending person, or if such communication has been ineffective, the employee has multiple avenues for reporting allegations of sexual harassment and/or pursuing resolution.
2. An individual who feels harassed, discriminated or retaliated against may initiate the complaint process by filing a complaint in writing with Fire Chief. No formal action will be taken against any person under this policy unless the Fire Chief have received a written and signed complaint containing sufficient details to determine if the policy may have been violated. The complainant (the employee making the complaint) may obtain the complaint form from the Fire Chief. If a officer of the fire department becomes aware that harassment or discrimination is occurring, either from personal observation or as a result of an employee's coming forward, the supervisor or manager should immediately report it to the Fire Chief.

Upon receiving a complaint or being advised by an officer of the fire department that violation of this policy may be occurring, the Fire Chief will notify the Chief's Committee.

1. Within five working days of receiving the complaint, the Chief's Committee will notify the person(s) charged [hereafter referred to as "respondent(s)"] of a complaint and initiate the investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.

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2. During the investigation, the Chief's Committee, will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.
3. If it is determined that harassment or discrimination in violation of this policy has occurred, the Chief's Committee will take appropriate disciplinary action. The appropriate action will depend on the following factors: a) the severity, frequency and pervasiveness of the conduct; b) prior complaints made by the complainant; c) prior complaints made against the respondent; and d) the quality of the evidence (e.g., first-hand knowledge, credible corroboration).
4. If the Chief's Committee feels the complaint is founded or warrants further investigation, it may turn to outside resources to conduct an investigation and or hearing.
5. If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the Chief's Committee may recommend appropriate preventive action.
6. Within ten days after the investigation is concluded, the Chief's Committee representative will meet with the complainant and the respondent separately, notify them of the findings of the investigation, and inform them of the action being recommended.
7. The complainant and the respondent may submit statements to the representative challenging the factual basis of the findings. Any such statement must be submitted no later than five working days after the meeting with the representative in which the findings of the investigation are discussed.
8. Within 10 days from the date the representative meets with the complainant and respondent, the Chief's Committee will review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with the representative and other Officers of the department as may be appropriate, and decide what action, if any, will be taken. The representative will report the company's decision to the complainant, the respondent and the appropriate officers in which the complainant and the respondent work. The Chief's Committee's decision will be in writing and will include findings of fact and a statement for or against disciplinary action. If

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disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.