



SEXUAL HARASSMENT SOG

SCOPE

The Stoney Point Fire Department expects all members/employees to treat each other with dignity, respect, civility and fairness. The Stoney Point Fire Department's Board of Directors and the entire staff will not condone or tolerate, in any way, Sexual Harassment or Misconduct.

Everyone should understand what is accepted and what is not accepted under our sexual harassment policy. Victims should understand how to protect their rights. Supervisors should understand how to enforce this policy. No one, regardless of rank, position, seniority or friendship, is exempt from the duty to comply with this policy.

PURPOSE

To establish the Stoney Point Fire Department's policy on Sexual Harassment.

GUIDELINE

SPECIFIC PROCEDURES:

- I. Conduct and Language that is Explicitly Sexual Is Not Allowed within the fire department or anywhere within our Work Place. (Emergency Incident, training sites or at any social gatherings directly involving our department).
 - Touching of a sexual nature is not allowed.
 - All intentional touching of a sexual nature or sexual connotation is prohibited at the workplace, welcomed or not, and regardless of consent.

Intentional physical contact of a sexual nature or connotation is inappropriate to the workplace under any circumstances.

Policy Number
7A.001A
Page 1 of 9



Illustrations of Prohibited Touching At the Workplace: (Workplace is defined our fire department or anywhere we are called in an official capacity to perform the business of the fire department)

- All sexual contact, and all touching of legs, buttocks area, chest, breasts, hair, head, neck, or groin area, whether welcomed or not, at the workplace is prohibited.
- Kissing, rubbing, massaging, grabbing, pinching, patting, brushing against body, stroking, or any physical assault, whether welcomed or not, at the workplace is prohibited.

Unwelcome Touching is Not Allowed

- Any intentional touching that is clearly not welcomed by the person touched is prohibited. Any action or words clearly communicating a desire not to be touched is sufficient notice that touching is not welcomed. ¹
- Illustrations of prohibited touching:
 - Firefighter Able (For the purpose of this policy all volunteers are considered employees of the fire department whenever participating in any fire department functions) reacts in an offended manner or tries to avoid being touched by firefighter Smith. This is sufficient indication the touching is unwelcome.
 - Firefighter Able asks Firefighter Smith not to touch. This is sufficient warning to prohibit future touching.

Policy Number
7A.001A
Page 2 of 9



Customary Social Greetings are Allowed

1. A customary social greeting between friends, like hugging or a pat on the back is allowed if it is mutually welcomed. Hugging or a pat on the back is prohibited after a member clearly indicates that it is not welcome.
2. Illustrations of permitted and prohibited greetings:
 - Firefighter/Member A customarily hugs Firefighter/Member B as part of a normal greeting both consider welcome behavior. This is permitted.
 - Firefighter/Member A tries to avoid Firefighter/Member B, or asks Firefighter/Member B not to hug. Thereafter, hugging of Firefighter/Member A is prohibited.

Policy Number
7A.001A
Page 3 of 9

Solicitation for Sexual Activity is not allowed

- Any solicitation, express or implied, made at the work place, for any sexual contact or activity is prohibited, welcomed or not, and regardless of consent of the person solicited.
- Illustrations of prohibited solicitations:
 - Any proposition clearly understood to be sexual in nature or connotation is prohibited.
 - Comments about sexual attractiveness, sexual body parts, revealing clothing is prohibited.
 - Any discussion about sexual activity that is clearly understood to imply solicitation for a sexual relationship is prohibited.



Sexually Explicit Communications are Not Allowed

- All communication, oral and written, including non-verbal communication, of explicit sexual activity, or nudity, or sexual body parts, and all sexually explicit slang or joking, is not allowed in the work place, welcomed or not, and regardless of consent of the recipient.
- Photographs, drawings, or other representations showing nudity or explicit sexual activity are prohibited in the work place, in or out of the public view, welcomed or not, and regardless of consent of the viewer.
- Communications that refer to sex or gender in a manner that is not offensive and not derogatory as to gender are permitted if all recipients or viewers have consented in advance to receive or view that material. In case of doubt, seek approval from a department officer/supervisor in advance.
- Stories about personal sexual activity, or questions about sexual activity of other employees, or practical jokes of a sexual nature, are prohibited.

Policy Number
7A.001A
Page 4 of 9

Communications Derogatory To Gender Are Not Allowed

- Language, pictures, or other materials that are commonly understood to be derogatory or demeaning to women, or to men, are prohibited in the work place, welcomed or not, and regardless of consent.
- Communications or comments implying women are not suited for the fire service or cannot perform all duties of a firefighter job as well as men are prohibited.
- Slang, stories, jokes, cartoons, or photographs that ridicule characteristics related to gender are prohibited, welcomed or not, and regardless of consent.



- A customary greeting or language that is not offensive among friends is allowed, but the same language may be offensive to others. Some situations call for formal language, and the use of familiar language may be seen derogatory to gender. Using “honey”, “girl”, “babe”, “dear”, or “sugar” maybe accepted among friends in an informal setting but may offend others in a different setting. In case of doubt, do not use such language.

Illustrations of prohibited communications:

- Slang words referring to women generally in a derogatory sense are not allowed.²
- Statements about body parts, suggestive clothing, or comments related to gender in a derogatory sense are prohibited.
- Statements that this is a man’s job, or a woman’s job, or that one gender is more successful than the other are prohibited.

A Victim Has Many Ways to Deal with Sexual Harassment

- This policy protects all volunteers/employees against sexual harassment by any person. Regardless of rank, seniority, or personal friendship, every one is obligated to comply with this policy. All victims of sexual harassment should make a prompt complaint within their perspective chain of command or immediately contact the Chief, so corrective action can be taken.
- Any employee can make a complaint about sexual harassment of another employee even though the complainant is not a victim of the harassment. As used in this policy, the word “victim” includes any person making a complaint of sexual harassment of self or others, and includes a person who reasonably claims to be a victim even though the claim is not proven.
- While a violation should be reported, a victim is allowed to handle the situation personally without reporting a violation. Anonymous complaints will be accepted. There is no time limit on when a complaint must be made for enforcement of this policy. Not reporting a violation is allowed, but corrective action is easier and quicker if a complaint is made. Making a complaint may keep others from becoming a victim.
- A victim may tell a supervisor about a violation and ask that no action be taken at that time. If a victim asks that no action be taken, the person receiving the information should document it but not undertake any investigation or take any action regarding an alleged violator until requested by the victim. Documentation of the information should be kept at the office of the person who received it.

Policy Number
7A.001A
Page 5 of 9



- Confidentiality will be extended to all complaints to the extent that is reasonably possible. Documentation of the complaint, the investigation, and corrective action taken will be forwarded to the Chief but not if the victim requests that no corrective action be taken.
- A complaint can be made to any one of following, at the option of the victim:
 - an immediate supervisor,
 - any person in the chain-of-command above the immediate supervisor,
 - directly to the Chief without going through the chain-of- command

No retaliation can be taken against any employee who in good faith takes any of the following action

- Makes an internal complaint about sexual harassment of any person, or cooperates in an investigation, or files a charge with the Equal Employment Commission, or files a law suit as allowed by law, or makes public statements regarding gender discrimination.
- No demotion, termination, or other disadvantage can be imposed on any employee in retaliation for any of the above actions undertaken in good faith.
- All volunteers/employees are urged to report promptly any retaliation of any kind at the earliest opportunity to the chief or the department's board of directors.
- Victims should understand that a legal claim of sexual harassment under federal law requires that charge must be filed with the Equal Employment Opportunity Commission within 180 days of the most recent act of discrimination. Victims who do not take advantage of this policy to seek corrective measures within the Stoney Point Fire Department may be restricted by federal law in recovering damages in a lawsuit. Give the Fire Department a chance to correct the problem.

**Policy Number
7A.001A
Page 6 of 9**

Supervisors Must Enforce This Policy, Correct Violations, and Document Enforcement Action

1. Initiating Action When a Violation Is Observed or Suspected.



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- Supervisors cannot wait until a complaint is made before enforcing this policy. Observed violations must be corrected. “Common knowledge” or an anonymous call should alert a supervisor to ask questions about a possible violation. A brief inquiry may be enough or a full investigation may be needed. A violation cannot be proven by rumor or anonymous information but some effort must be made to determine the truth.

2. Investigating A Complaint – Prompt, Thorough, Impartial.

- Finding out what really happened is the first priority. Identify all-important facts that are disputed by victim and alleged violator. If victim and alleged violator agree on the important facts, the investigation may be brief. If important facts are disputed, the investigator must collect all readily available information tending to prove what really happened. There is no presumption a complaint is true and none that it is false. A complaint may be sustained based solely on the statement of one person if there is a good reason to believe that person is telling the truth.
- An investigation should be prompt, thorough, and impartial. It should start the same day as the complaint is made, or as soon thereafter as possible. It should collect all readily available information tending to show what really happened. It should be done without favoritism to anyone. If personal friendships jeopardize the appearance of impartiality, the supervisor should get another person to conduct the investigation and inform the chief immediately.

Policy Number
7A.001A
Page 7 of 9

2. Corrective Action Prevents Future Violations.

- Immediate corrective action, even before investigating a complaint, may be necessary to protect a victim while the matter is under consideration. A verbal admonition, or a temporary re-assignment, may be enough. Ask the victim for suggestions about what is needed in the short-term.
- Long-term corrective action will depend on the severity of the violation and the need to prevent a future violation. Disciplinary action may be required, including termination, demotion, or reprimand for serious violations. Transfer or re-assignment to another shift may be appropriate for prevention and



protection. Counseling a volunteer/employee as a means of preventing violations is not a disciplinary action that prevents consideration for promotion.

- A victim may report a violation but ask that no investigation or corrective action be taken. A supervisor should honor that request and not contact the alleged violator or conduct any investigation until requested by the victim. A supervisor who is asked not to investigate or take corrective action may follow up by future contacts with the victim, or by being alert to any signs of future harassment, or by conducting policy training for the entire group of supervised employees.
- Corrective action cannot place the victim at a disadvantage compared to the victim's position before the violation. The victim cannot appear to be penalized by the corrective action.
- Nothing is more important than preventing retaliation against a victim who complains. No one can say or do anything that appears to punish a victim who in good faith takes action allowed by law or by this policy. All volunteers/employees, including the alleged violator, should avoid any language or conduct that reasonably appears to punish the victim of sexual harassment.

Policy Number
7A.001A
Page 8 of 9

4. Document Everything: Violations, Investigations, And Corrective Actions.

- Documentation is essential. Not documenting implies cover-up. Vague, incomplete, or inaccurate documentation is a violation of this policy.
- Adequate documentation records "who, what, when, where, how" in as much detail as needed to be thorough and complete. Record the actual words used or behavior complained of, even if it is sexually explicit material that normally would not be written. Do not omit specifics or important details. Avoid the temptation to be brief just to save time.
- All documentation should be forwarded to the Chief. Flagrant or serious violations should be reported to the Chief immediately.



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- Creating fraudulent or deceptive documentation is grounds for immediate termination and revocation of certification as a volunteer/paid firefighter. Civil and criminal liability may result from any intentionally false documentation.

K. Enforcement Important to Performance Evaluation.

- A supervisor's work performance evaluation will include a review of the supervisor's ability to perform all of the duties imposed by this policy.

Note: This Policy is for internal use only, and does not enlarge a volunteer firefighter's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of the directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Policy Number
7A.001A
Page 9 of 9