



SEXUAL HARASSMENT

SCOPE

This guideline shall apply to all members of the Stoney Point Fire Department and shall be adhered to by all members.

PURPOSE

To establish the procedures on the prevention and discipline of sexual harassment within Stoney Point Fire Department.

DEFINITIONS

Guideline - a general rule, principle, outline of a policy

Member – any career, volunteer, staff, and auxiliary personnel affiliated with the department

Sexual Harassment - uninvited and unwelcome verbal or physical behavior of a sexual nature especially by a person in authority toward a subordinate

Shall - indicates a mandatory requirement

Victim - person harmed, injured, or killed because of other's actions

GUIDELINE

As a professional emergency response organization, Stoney Point Fire Department shall not tolerate harassment of a sexual nature of any member of the department. The expectation of professional conduct by each member towards every other member and the general public is paramount. Members of Stoney Point Fire Department shall treat every other individual with professionalism, dignity, respect, civility, and fairness. Sexual harassment shall be considered conduct unbecoming of a member of Stoney Point Fire Department and shall be dealt with accordingly.

Rights and Expectations

Every member of Stoney Point Fire Department has the right to expect to be treated with professionalism, respect, and dignity regardless of their position, gender, sexual preference, race, religion, age, or disability. Members shall have the expectation to perform their duties in an environment free of harassment by other members, supervisors, or members of the general public. Members have the right to expect that supervisors shall enforce this harassment free work area, take claims seriously, maintain the victim's privacy, conduct an impartial investigation, and discipline the offender.

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Sexual Harassment

It is important for all members to understand the conduct and language which is inappropriate while serving as a member of Stoney Point Fire Department. The workplace is considered to be any Stoney Point Fire Department facility or apparatus, any emergency incident, training area, departmental social function, or any location or activity in which members of the department are participating. A member does not have to make any statements regarding a desire to not be subjected to the following behaviors or conduct. The expectation is that the member shall not be subjected to any harassing conduct. The following conduct and language shall not be tolerated:

- Jokes of a sexually explicit nature (practical, verbal, written, social media, etc.)
- Relating stories of a sexual nature, questioning members about sexual activity
- Comments on a member's physical appearance (verbal, written, social media, etc.)
 - remarks concerning body parts
 - remarks concerning revealing clothing
 - cat calls, whistling, etc.
- Negatively or offensively referencing a member's gender
- Demeaning or degrading greetings (babe, honey, sugar, etc.)
- Solicitation of sexual acts (verbal, written, social media, etc.)
 - proposition clearly understood to be sexual in nature
 - discussion about sexual activity that is clearly understood to imply solicitation for a sexual relationship
- Physical contact of a sexual nature
 - intentional sexual contact of groin, buttocks, chest, head, neck, or legs
 - kissing, rubbing, massaging, pinching, patting, stroking, etc.
- Display of sexually explicit material
 - pictures or video of a demeaning or sexual nature
 - pictures, video, or audio of sexual acts
 - drawings of sexually explicit material
- Nonverbal displays of sexual conduct (physically simulating sexual activity)
- Derogatory comments regarding women in the fire service (man's job, etc.)

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Customary Social Greetings

Traditional social greetings are permissible if mutually agreed upon. However, if a member clearly indicates that a specific social greeting is not welcome, they shall not be repeated:

- Handshake
- Pat on the back
- Hugging

Sexual Harassment Claim

This policy is designed to prevent sexual harassment. However, in the event that a member intentionally harasses another member a claim may be filed. Victims are not required to file a claim, they may handle the situation personally without filing a report. There is no time limit for a claim to be made, however, prompt claims make corrective action easier and may prevent other victims. Confidentiality shall be maintained as much as possible to protect the victim, and the alleged harasser until the investigation is completed. Victims shall follow the claim procedure:

- Promptly make a claim within their chain of command
 - others may make a claim for the victim
 - may ask that no action be taken at the time of report
 - supervisor shall document the incident but not initiate an investigation
- Promptly inform the Fire Chief if the alleged harasser is the victim's supervisor
- Anonymous claims may be submitted to the Fire Chief
- File any legal sexual harassment claims with the Equal Employment Opportunity Commission within 180 days of the incident

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No Negative Consequences for Filing a Legitimate Harassment Complaint

Victims shall not be subjected to any negative consequences for filing a legitimate sexual harassment complaint. This includes any charges with the Equal Employment Opportunity Commission, lawsuits, making public statements regarding the incident, etc. Failure to follow this policy to permit Stoney Point Fire Department to take corrective actions may restrict the victim's ability to recover damages under federal law. Victims shall not be demoted, terminated, or otherwise retaliated against for making a legitimate sexual harassment claim. Retaliation shall be reported immediately for corrective action.



Supervisors Actions Upon Receipt of a Complaint

Supervisors shall strictly enforce this policy, take immediate corrective action, and document any claims and investigations. All members within Stoney Point Fire Department, especially leadership shall take steps to prevent sexual harassment immediately. Supervisors have a responsibility to take the following actions upon suspicion of sexual harassment or receipt of a complaint:

- Initiate corrective action
 - immediately correct any observed inappropriate behavior
 - immediately correct any reported inappropriate conduct
 - document activities and corrective actions taken
- Initiate an investigation of the complaint
 - prompt, thorough, impartial, and confidential
 - identify all important facts that are in dispute between the victim and alleged violator
 - remain neutral, do not presume guilt or innocence
 - speak with witnesses if there are any
 - investigator shall recuse themselves if the alleged violator is a friend to keep the investigation impartial
- Document all findings
 - statements of both parties and any witnesses
 - any physical evidence (pictures, emails, etc.)
- Take corrective action as needed
 - recommend disciplinary action to the Fire Chief
 - shift transfer
 - suspension
 - demotion
 - termination
 - formal reprimand
 - written disciplinary counselling
 - take no action if the victim requests
- Prevent retaliation of the victim
- Thoroughly document all actions
 - who, what, where, when, and how
 - do not omit specifics, use actual words, even if sexually explicit
 - violations
 - investigation
 - findings
 - corrective actions
- Store sexual harassment complaints in a secure area

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Sexual Harasser and Victim

It is important for the purposes of this guideline to understand that both the victim and alleged harasser may be either male or female. There is no expectation that a victim is always female, or that an alleged harasser is always male. Male victims may be harassed by either male or female harassers. Likewise, female victims may be harassed by either male or female harassers.

Performance Evaluation

Supervisors of Stoney Point Fire Department shall be evaluated on their ability to enforce this policy among their subordinates. Additionally, their ability as a supervisor shall be evaluated with respects to conduct any sexual harassment investigations, effectively, fairly, and impartially.

Fraudulent Sexual Harassment Claims

All sexual harassment claims shall be regarded as legitimate. An investigation shall be conducted, fairly, and impartially by a supervisor or the Fire Chief. If during the course of the investigation it becomes apparent that the sexual harassment claim is malicious or fraudulent it shall be concluded without malice towards the accused. A separate investigation shall be initiated to determine the purpose of the fraudulent claim. Disciplinary action shall be taken against any member that fraudulently or maliciously makes claims of sexual harassment against another member. This disciplinary action may include disciplinary counselling, demotion, suspension, or termination at the Fire Chief's discretion.

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Legal Notice

This Policy is for internal use only and does not increase 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.

References

29 CFR 1604.11

NC GS 14-395.1