SEXUAL HARASSMENT

PORT WASHINGTON FIRE DEPARTMENT

To: All Port Washington Fire Department Members

From: Chief of Department Bryan Vogeley

Re: Port Washington Fire Department Policy on Sexual Harassment

I am pleased to provide you with a copy of the Port Washington Fire Department's policy prohibiting the Sexual Harassment of its members. As you may already know, Sexual Harassment is unlawful behavior under Title VII of the Civil Rights Act of 1964. The distribution of the accompanying policy statement to every member of the Port Washington Fire Department's is intended to emphasize the seriousness with which the Port Washington Fire Department's views Sexual Harassment in the Port Washington Fire Department's -- behavior which can best be described as obnoxious, demeaning and completely inappropriate.

The Port Washington Fire Department's purpose in developing, adopting and implementing this policy prohibiting Sexual Harassment is to provide a workplace environment in which all Port Washington Fire Department's members may perform their jobs to the best of their ability and not be hindered in doing so by any form of harassment. This policy is a clear expression of the Port Washington Fire Department's intention to honor its legal and moral responsibilities with regard to the rights of both its present and future members.

It should be clearly understood that the Sexual Harassment of any member will not be tolerated. This Sexual Harassment policy has my personal as well as my official support. It also has the unqualified support of all senior officials of the Port Washington Fire Department's. Accordingly, every member should be aware that any person who, after an appropriate investigation of charges made against him or her, is found to have sexually harassed another member of the public will be subject to disciplinary action up to and including discharge.

SEXUAL HARASSMENT POLICY

PORT WASHINGTON
FIRE DEPARTMENT

Policy Statement

It is the policy of the Port Washington Fire Department to prohibit the harassment of any member by any other member on account of that person's sex. The Port Washington Fire Department does not condone and will not tolerate Sexual Harassment by its members or the Sexual Harassment of its members by anyone, including any officer, member, vendor, or civilian.

Every member is expected and required to abide by this policy. Any member who violates this policy will be subject to appropriate disciplinary action—up to and including discharge.

Definition of Sexual Harassment

There are two categories of unlawful Sexual Harassment:

1. "This for That" or "Quid Pro Quo" Harassment:
    - Submission to sexual conduct is made either an explicit or an implicit condition of an individual's membership;
    - Submission to or rejection of sexual conduct is used as a basis for a membership decision which might either positively or adversely affect the member within the Port Washington Fire Department including as regards assignments and other membership conditions;
2. "Hostile Work Environment" Harassment:
    - The harassment is severe or pervasive enough to unreasonably interfere with a member's work performance or to create an intimidating, hostile, or offensive workplace.

Sexual Harassment can be communicated in any fashion. For example, unwanted physical contact, foul language, sexually oriented propositions, jokes or remarks, obscene gestures or the display of sexually explicit pictures, cartoons or other materials may be create one of the two types of Sexual Harassment.

Management of the Port Washington Fire Department may also take steps to control conduct before it becomes unlawful Sexual Harassment. Therefore, conduct within any station or during any official function shall be done in a professional manner and free of sexual conduct, gestures, photographs, or other methods of communication that might be considered offensive to another member.

Responsibilities of Officers

All officers are responsible to reasonably supervise the members that report to them.

They are not expected to be “mind readers”, but must take steps to prevent Sexual Harassment by being aware of the behavior and work conditions that take place under their supervision.

Some Examples of Sexually Harassing Behavior

1. Visual harassment, such as posters, magazines, calendars, cartoons, or caricatures.
2. Verbal harassment, such as repeated requests for dates, lewd comments, sexually explicit jokes or whistling.
3. Written harassment, such as love letters, poems, or graffiti.
4. Non-verbal harassment, such as obscene or suggestive gestures or motions.
5. Subtle pressure or sexual activities.
6. Unnecessary touching, patting, pinching, rubbing or kissing.
7. Leering or ogling: for example, men who look only at a woman's breasts or women who are "crotch watchers".
8. Frequent intentional brushing up against another person's body.
9. Promise of a promotion or favorable assignment or advancement opportunities in return for sexual favors.
10. Demand of sexual favors accompanied by implied or overt threats regarding such matters as termination, negative evaluations, denial of membership benefits or opportunities.
11. Physical assaults or attempted assaults of a sexual nature or for a sexual purpose.

Complaint Procedure

Any member who feels that he or she has been sexually harassed should immediately report the matter to the *Health and Safety Officer or Safety Officer*. Similarly, any member who believes that he or she has witnessed Sexual Harassment or who has reason to believe that Sexual Harassment is taking place should do likewise. If neither *Health and Safety Officer or Safety Officer* is available to receive the complaint or if the member believes that it would be inappropriate to contact that person due to the fact that he or she may be involved in the incident, then the member should immediately contact the *Chief of Department or Chairman of the Board of Directors*.

Chief of Department; 516-883-2200

Chairman of the Board of Directors; 516-883-2200

Department Office Manager- 516-883-2200

The Port Washington Fire Department will handle all allegations of Sexual Harassment in a lawful manner to ensure that any such conduct does not continue. As a matter of routine, the Port Washington Fire Department will investigate complaints of Sexual Harassment. Such investigations will be conducted as discreetly and as confidentially as circumstances allow. Informal discussion and resolution will be the preferred method of handling complaints. In any event, the Port Washington Fire Department will not permit any person to be adversely affected in employment or membership with the Port

Washington Fire Department as a result of his or her having brought a complaint of Sexual Harassment so long as such complaint was made in good faith.

The receipt or intake of complaints can be handled by the Health and Safety Officer, the Safety Officer, the Chief of Department, the Chairman of the Board of Directors or the Board Designee. The interviews which follow the intial intake of a complaint shall be conducted by at least two of the aforementioned titles who are not named in the complaint as the harasser or a witness.

Standard for Evaluating Harassment

Determining the existence of “This for That” or “Quid Pro Quo” harassment is not particularly difficult. However, determining whether unwelcome sexual conduct rises to the level of the second category of unlawful harassment -- "hostile work environment" harassment, is more difficult. (See above for the definition of both kinds of Sexual Harassment).

In order to determine whether “hostile work environment” harassment has occurred, the Port Washington Fire Department may consider the following factors:

1. Whether the conduct was verbal or physical, or both;
2. How frequently it was repeated;
3. Whether the conduct was hostile and patently offensive;
4. The rank and authority of the alleged harasser;
5. Whether others joined in perpetrating the alleged harassment; and
6. Whether the alleged harassment was directed at more than one individual.

After considering the above factors, the Port Washington Fire Department will decide whether the conduct "unreasonably interferes with an individual's work performance" or creates "an intimidating, hostile or offensive work environment." In determining whether the harassment is sufficiently severe or pervasive to create a hostile work environment, the harasser's conduct will be evaluated from the perspective of a "reasonable person" of the same gender as the member who has brought the complaint.

The "reasonable person" standard will consider the victim's perspective and not what may or may not have been acceptable in the past. For example, the Equal Employment Opportunities Commission believes that a workplace in which sexual slurs, displays of "girlie" pictures and other offensive conduct abound can constitute a hostile work environment even if many members believe it to be insignificant or harmless.

Isolated sexual conduct or remarks generally do not create an unlawful environment. (Keep in mind, however, management may still choose to intervene before unlawful harassment occurs) A hostile work environment claim generally will require a showing of a pattern of offensive conduct. A single, unusually severe incident of harassment, however, may sufficient to constitute a Title VII violation; the more severe the harassment, the less need to show a repetitive series of incidents. This is particularly true

when the harassment is physical.

Discipline

In the event that the Port Washington Fire Department investigation determines that a member has committed Sexual Harassment that individual may be subject to reprimand, demotion, suspension, or dismissal depending upon the magnitude and seriousness of the offense, as well as previous offenses, if any.

Prevention of Sexual Harassment

The Port Washington Fire Department prefers to emphasize the prevention of Sexual Harassment to the investigation and discipline that results after harassment has occurred. All members are encouraged to:

1. Conduct themselves in a businesslike manner at all times.
2. Know the Port Washington Fire Department's policy on Sexual Harassment.
3. Be aware of your attitudes regarding the opposite sex in general and Sexual Harassment in particular.
4. Never ignore instances of Sexual Harassment or conditions giving rise to Sexual Harassment.
5. Set a positive example by treating everyone with respect and letting others know that you demand the same degree of respect from them.
6. Do not assume that sexually explicit jokes, cartoons or pictures, "friendly" gestures and so forth are harmless or inoffensive.
7. Refrain from making jokes at someone else's expense and from seeking to embarrass, humiliate, offend or threaten others.
8. Carefully consider whether or not personal comments or questions are appropriate to the relationship and/or the workplace before speaking.
9. Do not "go along with the crowd" or as an individual accept the inappropriate behavior of others.
10. Be supportive of people who are being harassed or who have been sexually harassed.
11. Do not hesitate to seek help in preventing or remedying a situation of Sexual Harassment.
12. Weigh your options in dealing with Sexual Harassment carefully, since such obvious "fixes" such as remaining silent, transferring or resigning are rarely the best solution to the problem.
13. Do not use negative behavior to bring attention to yourself in an effort to bring attention to the problem.
14. Immediately stop any behavior that you believe, even as a remote possibility, might be interpreted as Sexual Harassment.
15. Consider whether you would object to having your remarks recorded or your actions videotaped and later played back to your spouse, parents, friends or acquaintances. If you would have a problem with such an arrangement, reconsider the appropriateness of your workplace behavior.
16. Communicate. If another member's conduct is offensive, tell them so.

17. Communicate. If you believe that your conduct may be offensive to someone, ask him or her if it is. Be prepared to respect their answer.

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SEXUAL HARASSMENT INVESTIGATION CHECKLIST

Complainant

I. Name of complainant.

II. Position.

A. What happened?
   1. WHO harassed you?
   2. HOW did the harassment take place? (Try to get a very explicit description of the alleged harassing action. This is sometimes very difficult because the victim is often embarrassed by the event.)
   3. WHERE did it take place?
   4. WHEN did it take place? (Date and time, if possible)
   5. If more than once, HOW OFTEN?
   6. How did you FEEL about it? What was your RESPONSE?
   7. In what way does the alleged harasser have POWER over the success (or the well being) of the harassed?
      a) at the present time?
      b) in the future?
   8. Were there any WITNESSES? If Yes, WHO?
   9. Did you tell anyone about your experience after the incident?
      If YES,
      a) Who?
      b) When?
      c) Where?
      d) What did you tell him or her?
      e) What was his or her response?
   10. Do you think that OTHER VICTIMS might exist?

B. Do you have knowledge of OTHER INCIDENTS of sexual harassment by the alleged harasser?

C. Do you know of (or perceive) any CONSEQUENCES or effects of your response?

D. Were they explicitly stated? How?

E. Were they implied? How?

F. If some time has elapsed since the incident, have any CONSEQUENCES occurred?

G. What would you like to have DONE?

   1. for others?
   2. with respect to the alleged harasser?
   3. for you?

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SEXUAL HARASSMENT INVESTIGATION CHECKLIST
Accused Member/Witness

I. Position.

A. What happened?

1. WHO was present?
2. What occurred? (Try to get a very explicit description of the alleged harassing action. This is sometimes very difficult because the alleged harasser is often embarrassed by the event.)
3. WHERE did it take place?
4. WHEN did it take place? (Date and time, if possible)
5. Have similar occurrences happened before? WHEN? HOW OFTEN?
6. Did anyone state how he or she FELT about the occurrence? What was your RESPONSE?
7. Were there any WITNESSES? If Yes, WHO?
8. Did you tell anyone about your experience after the incident?
   If YES,
   a) Who?
   b) When?
   c) Where?
   d) What did you tell him or her?
   e) What was his or her response?
9. Have similar occurrences occurred involving other people?

B. If some time has elapsed since the incident, have any CONSEQUENCES occurred?

C. What would you like to have DONE?
1. for others?
2. with respect to the complainant?
3. for you?

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SEXUAL HARASSMENT CHECKLIST
Key Issues for Investigators

1) Has sexual harassment occurred? Which Type?

Reminder:

- 1. “Quid Pro Quo” or “This for That”:
  Submission to sexual conduct is made either an explicit or an implicit condition of an individual's membership;
  Submission to or rejection of sexual conduct is used as a basis for a membership decision which might either positively or adversely affect the member within the organization, including assignments and other membership conditions;
  2. “Hostile Work Environment” Harassment:
  The harassment is severe or pervasive enough to unreasonably interfere a member’s work performance or to creae an intimidating, hostile, or offensive work environment.

  In order to determine whether “hostile work environment” harassment has occurred, the investigator may consider the following factors:

  Whether the conduct was verbal or physical, or both;
  How frequently it was repeated;
  Whether the conduct was hostile and patently offensive;
  The rank and authority of the alleged harasser;
  Whether others joined in perpetrating the alleged harassment; and
  Whether the alleged harassment was directed at more than one individual.

After considering the above factors, the investigator’s goal is to decide whether the conduct "unreasonably interferes with the individual's work performance" or creates "an intimidating, hostile or offensive work environment." In determining whether the harassment is sufficiently severe or pervasive to create a hostile work environment, the harasser's conduct will be evaluated from the perspective of a "reasonable person" of the same gender as the member who has brought the complaint.

The "reasonable person" standard will consider the victim's perspective and not what may or may not have been acceptable in the past. For example, the Equal Employment Opportunities Commission believes that a workplace in which sexual slurs, displays of "girlie" pictures and other offensive conduct abound can constitute a hostile work environment even if many members believe it to be insignificant or harmless.

2) How severe is the harassment?
3) Does it warrant emergency action?
4) Does the matter seem suitable for informal resolution?
5) What is the potential for retaliation?
6) Does the complainant need protection? Can I protect him or her? How?
7) How can complainant protect her/himself?
8) What options is the complainant willing to pursue?
9) If there is no harassment--how do we counsel the complaining member?
10) If there is no harassment, should we still counsel the alleged harasser? How?

11) If there is a likelihood of harassment, what disciplinary action do we follow?
12) What is the likelihood that the complainant will pursue outside legal remedies based upon our decisions?
13) Have we been truly fair in our handling of this complaint?