

# ***TULLY FIRE DISTRICT***

*1 Railroad Street  
Tully, New York 13159*

## ***DISTRICT POLICIES***

**Policy Number:** 10-002

**Department:** Operations

**Subject:** Sexual Harassment

**Date:** September 8, 2010

### **Definition of Sexual Harassment**

It is the policy of the Tully Fire District to prohibit the harassment of any member by any other member, whether volunteer or career, because of that person's sex, sexual preference or sexual orientation. The Tully Fire District does not condone and will not tolerate sexual harassment by its members or the sexual harassment of its member by anyone, including any officer, volunteer member, career staff, 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.

There are two categories of unlawful sexual harassment. These are the definitions:

- "This for That" or "Quid Pro Quo" harassment:
- Submission of 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 or employment decision which might either positively or adversely affect the member within the Tully Fire District, including assignments and other membership or employment conditions
- "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, joke or remarks, obscene gestures, or the display of sexually explicit pictures, cartoons, or other materials, may create one of the two types of sexual harassment.

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The Tully Fire District management may also take steps to control conduct before it becomes unlawful sexual harassment. Therefore, conduct within any facility or during any official function shall be done in a professional manner and free of sexual conduct, gestures, photographs, or other methods of communications that might be considered offensive to another member.

### **Standard for Evaluating Sexual 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" has occurred, the Tully Fire District 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 other joined in perpetrating the alleged harassment; and
- Whether the alleged harassment was directed at more than one individual.

After considering the above factors, the Tully Fire District 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 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.

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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.

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 harassment, however, may be 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 for Sexual Harassment**

In the event that the Tully Fire District's 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 offense, if any.

### **Responsibilities of Officers for Sexual Harassment**

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.

Examples of sexually harassing behavior:

- Visual harassment, such as poster, magazines, calendar, cartoons, or caricature.
- Verbal harassment, such as repeated requests for dates, obscene comments, sexually explicit jokes, or whistling when someone is walking by.
- Written harassment, such as love letters, poems, or graffiti.

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- Non-verbal harassment, such as obscene or suggestive gestures or motions.
- Subtle pressure or sexual activities.
- Unnecessary touching, patting, pinching, rubbing, or kissing.
- Leering or ogling. For example, men who look at a woman's breasts or a woman who looks at a man's groin.
- Frequent intentional brushing up against another person's body.
- Promise of a promotion or favorable assignment or advancement opportunities in return for sexual favors.
- Demand of sexual favors accompanied by implied or overt threats regarding such matters as termination, negative evaluations, or denial of membership benefits or opportunities.
- Physical assaults or attempted assaults of a sexual nature or for a sexual purpose.

### **Complaint Procedure for Sexual Harassment**

Any member who feels that he or she has been sexually harassed should immediately report the matter to the Fire Chief. Similarly, any member who believes that he or she has witnessed Sexual Harassment or who has a reason to believe that sexual harassment is taking place should do the same. If the Fire Chief is unavailable to receive the complaint or if the member believes that it would be inappropriate to contact the Director due to the fact that the Director may be involved in the incident, then the member should immediately contact the Chairperson of the Board of Fire Commissioners. The Chairperson may be reached at his or her residence.

The Tully Fire District will handle all allegations of Sexual Harassment in a lawful manner to ensure that any conduct does not continue. As a matter of routine, the Tully Fire District will investigate complaints of Sexual Harassment, but may reject anonymous complaints. Such investigations will be conducted as discreetly and as confidentially as circumstances allow. Informal discussion and resolutions will be the preferred method of handling complaints. In any event, the Tully Fire District will not permit any person to be adversely affected in employment of membership with the Tully Fire District as a result of his or her having brought a complaint of Sexual Harassment so long as such complaint was made in good faith.

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### **Prevention of Sexual Harassment**

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

- Conduct themselves in a business like behavior
- Know the Tully Fire District policy on Sexual Harassment
- Be aware of you attitudes regarding the opposite sex in general and Sexual Harassment in particular
- Never ignore instances of Sexual Harassment or conditions giving rise to Sexual Harassment
- Set a positive example by treating everyone with respect and letting others know that you demand the same degree of respect from them
- Do not assume that sexually explicit jokes, cartoons, or pictures, “friendly” gestures and so forth are harmless or inoffensive
- Refrain from making jokes at someone else’s expense and from seeking to embarrass, humiliate, offend or threaten others
- Carefully consider whether or not personal comments or questions are appropriate to the relationship and or the workplace before speaking
- Do not “go along with the crowd” or as in individual accept the inappropriate behavior of others
- Be supportive of people who are being harassed or who have been sexually harassed
- Do not hesitate to seek help in preventing or remedying a situation of Sexual Harassment
- 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
- Do not use negative behavior to bring attention to yourself in an effort to bring attention to the problem
- Immediately stop any behavior that you believe, even as a remote possibility might be interpreted as Sexual Harassment

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- 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.
- Communicate. If another member's conduct is offensive, tell them so
- 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.