

# **SEXUAL HARASSMENT POLICY**

## **YORKTOWN HEIGHTS FIRE DISTRICT**

### **Policy Statement**

Yorktown Heights Fire District (“YHFD”) is committed to the concept that all people have equal worth and dignity, and is further committed to providing equal opportunities to all people, regardless of their race, color, creed, national origin, ancestry, religion, sex, sexual orientation and marital status. It is the intent of YHFD to implement, where applicable, Title VII of the Civil Rights Act of 1964 and the Executive Law § 296 (1)(a) of the State of New York and all relevant statutes, rules and regulations applicable to fire districts in the State of New York.

### **Policy Intent**

YHFD has established this policy to discourage sexual harassment and other forms of conduct unbecoming a representative of YHFD and Yorktown Heights Engine Company No. 1 (“Engine Company”). When responding to calls, attending training sessions, or other official appearances either within or without the YHFD, all members of the Engine Company are de facto representatives of both YHFD and the profession of firefighting itself. All personnel are therefore expected to conduct themselves accordingly. YHFD will not tolerate improper conduct or conduct unbecoming a representative of YHFD, the Engine Company or the profession, including language, gestures or other conduct. The appearance of sexual harassment towards others can be just as damaging to the image of YHFD, the Engine Company and the profession of firefighting as improper actions themselves. While this policy remains the express bases of conduct, commonsense, common courtesy, and respect are the underlying guides to proper conduct in any situation.

### **Scope and Applicability**

These standards and policies shall apply to all members of the Board of Fire Commissioners of YHFD, all administrative employees of YHFD, the Junior Corps, Womens Auxiliary, all members and all firefighting personnel, from line firefighters through Chief, of the Engine Company as employees of YHFD, all vendors, guests, visitors and those who do business with YHFD. This policy extends to all workplaces and facilities, all firehouses, all incidents, all training sessions and meetings, and all other activities where the business of YHFD is conducted.

Every person to whom this Sexual Harassment Policy is applicable is expected and required to abide thereby. Any person who violates this policy shall be subject to appropriate disciplinary action up to and including discharge or other appropriate sanction.

### **Definition of Sexual Harassment**

Sexual harassment is unwelcome sexual conduct in the form of sexual advances, requests for sexual favors or other verbal, non-verbal or physical conduct of a sexual nature constituting either or both of the following categories:

- (1) Quid Pro Quo. This is also known as “This For That”. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s membership, employment status or assignment, or was used as a basis for a membership decision or evaluation which might either positively or adversely affect the member within YHFD.
- (2) Hostile Work Environment. Such conduct is pervasive or severe enough to have the effect of unreasonably interfering with a member’s work performance or creating an intimidating hostile or offensive work environment.

### **Some Examples of Sexually Harassing Behavior**

- (1) Explicit or implicit promise of promotion or favorable assignment or advancement opportunities in return for sexual favors.
- (2) Demand for sexual favors accompanied by implied or overt threats regarding such matters as negative evaluations, membership benefits, or opportunities.
- (3) Visual harassment, such as posters, magazines, calendars, cartoons, or caricatures.
- (4) Verbal harassment, such as repeated requests for dates, lewd comments, or sexually explicit jokes.
- (5) Written harassment, such as letters, poems, or graffiti.
- (6) Non-verbal harassment, such as obscene or suggestive gestures or motions.
- (7) Unnecessary touching, patting, pinching, rubbing, or kissing.
- (8) Subtle sexual pressure such as leering,

### **Complaint Procedure**

Procedures to report offending conduct:

- (1) The person who experiences any unwelcomed sexual conduct or behavior, either in the nature of quid pro quo harassment or of a kind that creates a hostile work environment for that individual, should immediately and first make it clear to the offending person that such conduct is offensive to him or her.
- (2) If talking directly to the offending person is not possible, for whatever reason, or if the offending behavior has not ceased, the person subjected to unwanted conduct should immediately report the incident(s) to his or her Lieutenant, for appropriate action. The Lieutenant will in turn immediately report this incident up the chain of command to the Chief.

If the Lieutenant is unavailable 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 officer next in the chain of command or file a written complaint with the designated Equal

Employment Opportunity Commissioner (“EEOC”) appointed by the YHFD Board of Fire Commissioners for that purpose. The name and mailing address of the EEOC is available from the Secretary of the YHFD at (914) 962-5561.

- (3) The Chief of the Engine Company shall conduct such informal investigation and implement such remedial measures as are consistent with this Policy and under the Chief’s authority pursuant to §176-a of the Town Law of the State of New York. Investigations of persons other than members of the Engine Company shall be done by the EEOC. All such investigations shall be conducted as discreetly and as confidentially as circumstances allow. Informal discussion and resolution will be the preferred method and goal of handling all complaints in the interest of, and to the satisfaction of, the complainant, the claimed offending person, the Engine Company and the YHFD.
- (4) In any event, the YHFD will not permit any person to be adversely affected in employment or membership with the 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.
- (5) YHFD recognizes that there may be incidences where a situation occurs that is beyond the scope, for whatever reason, for an individual to address by himself or herself. The form annexed to this policy was developed to aid in addressing problems concerning conduct of any type or form. The person experiencing unwelcomed sexual harassment is encouraged to complete this form.

#### **Standard For Evaluating Harassment.**

Determining the existence of quid pro quo harassment is not particularly difficult. Determining whether unwelcomed sexual conduct rises to the level of the second category of unlawful harassment, creating a hostile working environment is more difficult. In order to determine whether “hostile work environment” sexual harassment has occurred, the Chief or the EEOC may consider, but not by way of exclusion, 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 permitting or perpetuating the alleged harassment; and
- (6) Whether the alleged harassment was directed at more than one individual.

After considering all relevant factors, either the Chief or the EEOC 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 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.

Isolated sexual conduct or remarks generally do not create an unlawful environment. A hostile work environment claim will generally require a showing of a pattern of offensive conduct. A single, unusually severe incident of 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**

In the event that the Chief or the EEOC, upon completion of investigation, determines that a member has committed sexual harassment and that the complaint is not the subject of an effective amicable resolution, that individual may be subject to such reprimand, demotion, suspension or dismissal, or other remedies depending upon the magnitude and seriousness of the offense, with all due process rights guaranteed to that individual under the applicable sections of the Town Law of the State of New York.

### **Prevention of Sexual Harassment**

The YHFD prefers to emphasize the prevention of sexual harassment to the investigation and discipline that results after sexual harassment has occurred. All persons to whom this policy applies are encouraged to:

- (1) Conduct themselves in a firematic manner, consistent with the proud profession of volunteer fire and rescue service to those in need, at all times.
- (2) Know the policy on Sexual Harassment of the YHFD.
- (3) Be aware of your attitudes regarding the opposite sex in general and sexual harassment in particular.
- (4) Never ignore incidences of sexual harassment or conditions giving rise to sexual harassment.
- (5) Set a positive example by treating every other firefighter 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, pictures, "friendly" gestures, and so forth are harmless or inoffensive.
- (7) Refrain from making unwelcome sexually oriented 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 Engine Company and/or the firematic 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) Immediately stop any behavior that you believe, even as a remote possibility might be interpreted as sexual harassment.
- (13) Communicate. If another firefighter’s conduct is sexually offensive, tell them so.
- (14) Communicate. If you believe that your conduct may be offensive to another firefighter, ask him or her if it is. Be prepared to respect their answer.

Effective Date August 13, 2002.

Revised Date January 7, 2011

**YORKTOWN HEIGHTS FIRE DISTRICT**  
**SEXUAL HARASSMENT COMPLAINT FORM**

(Please Print for Use)

Name: \_\_\_\_\_ Phone # \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Date and time of incident(s): \_\_\_\_\_

Location of incident(s): \_\_\_\_\_

Please describe what happened in as much detail as possible. Use another page if necessary.

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How did you respond to the incident(s)? \_\_\_\_\_

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List the names of any witnesses to the incident(s). If no witnesses, put "none." \_\_\_\_\_

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State resolution requested: \_\_\_\_\_

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Signature of complainant: \_\_\_\_\_ Date: \_\_\_\_\_

Written complaint received by: \_\_\_\_\_ Date: \_\_\_\_\_