North Kingstown Fire Department

Standard Operating Guidelines		2000 Series
Effective Date:	Workplace Harassment	Human Resources
03/2021		2055
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I. PURPOSE

The purpose of this policy is to maintain a healthy work environment and to provide procedures for reporting, investigating, and resolving complaints of harassment, sexual or otherwise.

The Civil Rights Act of 1964 makes it illegal to discriminate on the basis of race, color, religion, age, national origin and sex. Title VII of the Act prohibits employers from discriminating on the basis of sex with respect to compensation, terms, conditions or privileges of employment.

Sexual harassment is also a form of discrimination.

II. DEFINITIONS

Sexual harassment (employment situations)- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct that enters into employment decisions, and/or conduct that unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

Workplace Harassment - is unwelcome conduct from a boss, coworker, group of coworkers, vendor, or customer whose actions, communication, or behavior mocks, demeans, puts down, disparages, or ridicules an employee. Physical assaults, threats, and intimidation are severe forms of harassment and bullying.

III. POLICY

It is the policy of the North Kingstown Fire Department (Department) that all employees have the right to work in an environment free of all forms of harassment. The Department does not condone, and will not tolerate, any harassment. Therefore, the Department shall take direct and immediate action to prevent such behavior, and to remedy all reported incidents of harassment, sexual or otherwise.

Because the Department takes allegations of harassment seriously, we will respond promptly to all complaints. Where it is determined that inappropriate conduct has occurred, the Department will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

While this policy sets forth the Department's goals of promoting a workplace free of sexual harassment, this policy is not designed to limit Departmental authority to discipline or take remedial action for

workplace conduct which is deemed unacceptable regardless of whether that conduct satisfies the definition of sexual harassment.

A. Types of Harassment

1. **Quid Pro Quo Harassment** - Loosely translated means "something for something." This type of harassment occurs when an employee is required to choose between submitting to sexual advances or losing a tangible job benefit. When such conduct is made implicitly or explicitly a term or condition of employment or when submission or rejection of such conduct is used as a basis for employment decisions affecting the employee, the conduct is quid pro quo harassment.

   a) Criteria for Quid Pro Quo Harassment:
      i. The harassment was based on sex.
      ii. The victim was subject to unwelcome sexual advances. (Unwelcome means that the person did not invite or solicit the advances).
      iii. A tangible economic benefit of the job was made conditional on the victim's submission to the sexual advances.

   Note: There is no requirement that these requests be expressed demands for sexual favors. The advances may be implied by the circumstances and actions: (Example: inviting the victim out for drinks or offering the victim explicit magazines).

2. **Hostile Work Environment Harassment** - This form of harassment is unwelcome conduct that is so severe or pervasive as to change the conditions of the victim's employment and create an intimidating, hostile or offensive work environment. (There are several distinguishing factors between hostile work environment and quid pro quo harassment).

   a) Criteria for Hostile Work Environment Harassment:
      i. Does not require an impact on economic benefits.
      ii. Can also involve co-workers or third parties, not just supervisors.
      iii. Is not limited to sexual advances; it can include hostile or offensive behavior based on the person's sex.

iv. Can occur even when the conduct is not directed specifically at the victim or claimant, but still impacts his or her ability to perform the job.

v. Typically involves a series of incidents rather than just one incident for this type of harassment.

(Generally, the following three conditions must be met in a claim of hostile work environment harassment.)

vi. The conduct was unwelcome.

vii. The conduct was severe, pervasive and regarded by the victim as so hostile or offensive as to alter his or her condition of employment. (Examples: Forms of hazing used to intimidate or dominate the victim, such as insulting remarks or threats, negative graffiti, display of explicit materials such as pin-ups or magazines as welcome actions not directed at a particular person or victim).

viii. The conduct was such that a reasonable person would find it hostile or offensive.

Note: Since this form of sexual harassment does not require the unwelcome conduct involving sexual advances, other activities may give rise to claims of hostile work environment harassment.

B. Prohibited Activities

1. Employees shall not:

a) Explicitly or implicitly ridicule, mock, degrade, or belittle any person.

b) Make offensive or derogatory comments, either verbal, non-verbal or physical that are based on race, color, sex, religion, or national origin, either directly or indirectly to another person.

Such harassment is a prohibited form of discrimination under State and Federal Employment Law and will be subject to disciplinary action by this department.

C. Employee's Responsibilities

1. Every employee of the Department is responsible for assisting in the prevention of harassment through the following guidelines:

   a) Refrain from participating in, or encouragement of, actions that could be perceived as harassment.
   b) Report acts of harassment to a supervisor.
   c) Encourage any employee who confides that he or she is being harassed to report these acts to a supervisor.
   d) Failure to take action to stop known harassment shall be grounds for discipline.

FOR THE PURPOSES OF THIS POLICY: AN EMPLOYEE IS DEFINED AS ALL PERSONNEL. THIS INCLUDES ALL SWORN PERSONNEL, FULL TIME AND PART TIME CIVILIAN PERSONNEL, INTERNS, WORK-STUDY, AND VOLUNTEERS.

D. Supervisor's Responsibilities

1. Supervisors shall be responsible for preventing acts of sexual harassment. This responsibility includes:

   a) Monitoring the work environment on a daily basis for signs of harassment that may be occurring.
   b) Counseling all employees on types of prohibited behavior, and on the department procedures for reporting and resolving complaints of harassment.
   c) Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved employees are within his/her direct line of supervision.
   d) Taking immediate action to limit the work contact between employees where there has been a complaint of harassment, or a pending investigation.

Note: Each supervisor has the responsibility to assist any Departmental employee, who comes to that supervisor with a complaint of harassment.

E. Confidential Reporting / Procedure

1. Employees encountering harassment should whenever possible, tell the harasser that their actions are unwelcome and offensive.
2. Employees are asked to document all incidents of harassment in order to provide the fullest basis for investigation of the complaint.
3. The department strongly encourages reporting the complaint through the chain of command, however, because of the sensitive nature and the possibility that the harasser may be the victim's supervisor, a complaint may be brought to *any supervisor* or any of the following:

   a) Direct supervisor or Chain of Command
   b) The Fire Chief (directly)
   c) The Town of North Kingstown Human Resource Manager
      i. North Kingstown Town Hall
         100 Fairway Dr.
         (401)294-3331
   d) The Rhode Island Commission on Human Rights
      i. Rhode Island Commission on Human Rights
         180 Westminster St.
         Providence, RI 02903
         (401)222-2661
   e) The United States Equal Employment Opportunity Commission
      i. Regional Office
         JFK Federal Building
         15 New Sudbury St. Room 475
         Boston, MA 02203
         (800)669-4000

F. Initial Investigation / Procedure

1. That supervisor will as soon as possible, take steps to protect the employee from further harassment and at a minimum initiate the following:

   a) Notify Command Staff of the complaint

2. Upon notification of a complaint, Command Staff personnel shall immediately report said incident to the Fire Chief (if appropriate) for full investigation performed by investigative authority.
3. The investigative authority shall notify the parties involved of the outcome of the investigation.
4. All records of complaints/investigations shall be maintained in a secure location.

G. Discipline

Disciplinary action for violation of this policy may range from a verbal reprimand to suspension or termination based upon the totality of the circumstances or the severity of the offense committed.

H. Retaliation

It is unlawful to retaliate against any individual who reports discrimination or harassment or participates in an investigation of such reports. The North Kingstown Fire Department prohibits such retaliation. Penalties for retaliation may range from verbal reprimand to suspension or termination based on the totality of the circumstances or the severity of the offense committed.