



Standard Operating Guidelines
Section 250.0

SECTION:		GUIDELINE:	
250.0		Discrimination & Harassment	
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Discrimination and Harassment

The purpose of the policy is to provide a workplace in which individuals are treated with respect and dignity and to provide procedures for reporting, investigating, and resolving complaints of harassment and discrimination. The Evansville Fire District is strongly committed to providing not only the safest possible work environment for all of its workers, but also to establishing and maintaining a work environment free from harassment and discrimination of any form.

It is the policy of the Evansville Fire District that all members have the right to work in an environment free from harassment or discrimination. The Evansville Fire District does not now, nor will ever endorse or condone any form of harassment by any members. The Fire District considers harassment and discrimination to be a serious act of employee misconduct. Therefore, the Evansville Fire District will take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and discrimination. A violation of the Evansville Fire District policy can lead to discipline up to and including termination, with repeated violations, even if "minor," resulting in greater levels of discipline as appropriate.

Definitions

Harassment: Any verbal, written, visual or physical act, which creates a hostile, intimidating or offensive work environment or interferes with the employee's job performance.

Sexual Harassment: any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Prohibited Activities

The following are considered prohibited activities:

- A. Harassment or discrimination on the basis of: RACE, COLOR, CREED, ANCESTRY, NATIONAL ORIGIN, SEX, AGE, DISABILITY, SEXUAL ORIENTATION, ARREST or CONVICTION RECORD, MARITAL STATUS, USE of LAWFUL PRODUCTS AWAY FROM WORK, or MEMBERSHIP in the MILITARY RESERVE is expressly prohibited under this policy. Harassment on any of these bases is also illegal under Section 111.31-111.39, Wisconsin Statutes.
- B. No Firefighter shall either explicitly or implicitly ridicule, mock, deride, or belittle any other person.
- C. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 1. Quid-Pro-Quo:

- a. Submission to such conduct is made either explicitly or implicitly a term of condition of employment; or
 - b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
2. Hostile Working Environment:

Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of harassment (sexual or otherwise):

- Unwelcome sexual advances includes patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical contact considered unacceptable by another individual.
- Request for sexual favors includes subtle or blatant expectations, demands, pressures, or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequences concerning one's employment status.
- Behavior such as tampering with or sabotaging employee's workspace or personal property (i.e., erasing computer files, removing pictures from frames, rumors, anonymous notes, graffiti, rearranging files, losing time cards, etc.).
- Other verbal or physical conduct of a sexual nature would include telling "dirty jokes" that are clearly unwanted and considered offensive by others, tasteless sexually-oriented comments and innuendoes including comments about an individual's body or appearance where such comments go beyond mere courtesy, displaying offensive pictures or cartoons, suggestive looks, gestures, or leering and ogling.

Examples of discrimination:

According to title VII, ADA, and the ADEA it is unlawful to discriminate in employment situations that pertain to the following:

- hiring and firing;
- compensation, assignment, or classification of employees;
- transfer, promotion, layoff, or recall;
- job advertisements;
- recruitment;
- testing;
- use of company facilities;
- training and apprenticeship programs;
- fringe benefits;
- pay, retirement plans, and disability leave; or
- Other terms and conditions of employment.

Responsibilities

Chiefs and Officers – are responsible for keeping their work areas free from acts of harassment. This shall be accomplished through the following:

- A. Monitoring the work environment daily for signs that harassment may be occurring;
- B. Ensuring that all members are trained to recognize the types of behavior constituting sexual and other forms of harassment (i.e., prohibited behaviors);
- C. Ensuring that all members are aware of the proper channels and procedures for addressing, reporting, and resolving a complaint of harassment or discrimination in the workplace;
- D. Chiefs and Officers shall assist any member who comes to them with a complaint of harassment in documenting and filing a complaint in accordance with the complaint procedures outlined later in this policy.
- E. Immediately stopping any observation of activity that may be considered harassment, and taking the appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and

- F. Taking immediate action to prevent retaliation towards the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment, pending investigation. If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.

Members - are responsible for assisting in the prevention of harassment through the following acts:

- A. Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
- B. Reporting acts or suspected acts of harassment to a supervisor; and
- C. Encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.

The Evansville Fire District Board members are responsible for the following:

- A. Investigating any complaint of harassment or discrimination filed according to complaint procedures in the policy.
- B. Maintaining a record of all complaints and actions taken with regard to harassment and discrimination

Complaint Procedures

- A. The individual encountering the harassment should, if possible, inform the alleged harasser that his/her comments or actions are not welcome and/or offensive in nature. The individual is to document all incidents as thoroughly as possible in order to provide the fullest basis for investigation.
- B. The individual should then report any perceived incident of harassment to his/her Officer or Chief. The incident shall be reported as soon as possible so steps may be taken to protect the individual from further harassment, and so that an investigation can be initiated. In the event that it is inappropriate, or the individual does not feel comfortable reporting the incident to their officer or Chief, the incident shall then be reported to another officer, chief, safety officer, or the Fire District Board members. ~~Municipal-Administrator.~~

The person to whom a complaint was given shall meet with the complainant and document the following items:

1. Name of the complainant;
2. Specific incident(s) complained of;
3. Name of person(s) performing or participating in the harassment;
4. Name(s) of any witnesses to the incident(s); and
5. Date(s) on which the incident(s) occurred.

- C. In the event that it is not practical to report the incident to any of the above named parties the individual making the complaint can report the incident to the City Fire District Attorney. Furthermore, if the individual does not feel it is practical to file their complaint with the City Attorney he/she may file the complaint with either or both of the following:

State of Wisconsin Equal Rights Agency
201 East Washington Avenue
Madison, WI 53703
Phone: (608) 266-6860
Equal Employment Opportunity Commission
210 Martin Luther King Boulevard
Madison, WI 53703
Phone: (608) 266-4910

- D. Once a complaint has been received, the person to whom it was reported shall immediately inform the Fire District Board members who will then begin a thorough investigation into the complaint. The investigator shall immediately notify the proper authorities if the complaint includes any evidence of criminal activity, such as battery, rape, or attempted rape. The internal investigation shall contain at least the following:
1. The investigation shall include a determination as to whether the person is harassing other employees, and whether other employees participated in or otherwise encouraged the harassment.
 2. Every effort shall be made to maintain the complaining parties' confidentiality to the extent that it is practical and appropriate based on the case and the investigation necessary.
 3. The outcome of the investigation shall be communicated to the parties involved.
 4. The file(s) containing the record of the investigation shall be kept in a secured filing cabinet with restricted access at all times.
- E. There shall be no retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint.
- F. Complainants or employees accused of harassment may file a grievance/appeal in accordance with union procedures when they disagree with the investigation or disposition of harassment claim.

RETALIATION

- A. Retaliation in any form will not be tolerated against any person filing a harassment or discrimination complaint, or against any person assisting in, participating in, or otherwise affiliated with the investigation of a harassment or discrimination complaint.
- B. Any complaint of an individual of retaliation shall be deemed a separate issue and shall be handled in the same manner, as would any case of harassment or discrimination.

If the harassment complaint contains evidence of criminal activity, such as battery, attempted rape or rape, the proper authorities will be notified immediately.

