



Missouri Valley Fire & Rescue Department

223 E. Erie St.

Missouri Valley, IA 51555

Phone 712-642-2945 Emergency 911

STANDARD OPERATING GUIDELINE

STANDARD OPERATING GUIDELINE 105

Chronological History

Effective: January 1, 2010

DISCRIMINATORY WORKPLACE HARASSMENT AND COMPLIANCE GUIDELINE

I. Purpose

The purpose of this policy is to clearly establish the Missouri Valley Fire Department's commitment to provide an environment free from harassment, to define discriminatory harassment and to set forth the procedure for investigating and resolving internal complaints of harassment.

II. Scope

This policy applies to all terms and conditions of volunteer membership including but not limited to disciplinary action, reinstatement, training, appointment or election to office.

Harassment of an applicant, member by another member of office based on race, religion, color, national origin, disability, medical condition, marital status, sexual orientation, gender or age is explicitly in violation of state and federal law and will not be tolerated by the Missouri Valley Fire Department.

Personnel found to be participating in any form of job based harassment or retaliation against members shall be subject to disciplinary action up to and including expulsion from the department.

III. Background

All jobs within an emergency service organization are extremely important to the public safety of our community. It is critical that all emergency service personnel treat other emergency service personnel with dignity and respect. Because of the unique circumstance present in many emergency service jobs, it is the responsibility of each and every member to make sure that there is not inappropriate behavior occurring in the station or at any official or unofficial function of the department. Inappropriate behavior, which impacts the workplace or has potential to impact the workplace, will not be tolerated.

IV. Definitions

Verbal Harassment – Epithets, derogatory comments, slurs or otherwise offensive words or comments on the basis of race, religious creed, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual

preference, gender or age, whether made in general, directed to an individual or group of people regardless of whether the behavior was intended to harass. This includes, but is not limited to, inappropriate sexually oriented comments on appearance, including dress or physical features, sexual rumors, code words or race-oriented stories.

Physical Harassment – Assaults or blocking movement, leering or physical interference with normal work, privacy or movement when directed at an individual on the basis of race, religious creed, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual preference, gender or age. This includes pinching, patting, grabbing, inappropriate behavior in or near bathrooms, eating areas or making explicit or implied threats or promised in return for submission of physical acts.

Visual Harassment – Derogatory, prejudicial, stereotypical or otherwise offensive posters, photos, cartoons, notes, bulletins, drawings or pictures on the basis of race, religious creed, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual preference, gender or age. This applies to both posted material or material in or on Missouri Valley Fire Department equipment, apparatus or property in the workplace.

Sexual Harassment – Any act which is sexual in nature and is made explicitly or implicitly a term or condition of membership, is used as the basis of membership decision, unreasonably interferes with an individual's work performance or create an intimidating, hostile or offensive work environment.

V. Procedures

Confrontation

If any person feels he or she is the victim of any form of harassment, he or she should inform the person participating in the behavior that he or she finds it offensive. This one-to-one confrontation has been demonstrated to be an effective way to end harassing behaviors. If inappropriate behaviors do not stop, the offended individual can either initiate an informal or formal complaint as described below. Because confrontation is difficult for some people and because of the complex nature, the members are not required to confront an offending party prior to initiating this complaint procedure.

Informal Complaint

Any member or applicant who believes he or she is a victim of discriminatory workplace harassment should make a complaint orally and/or in writing with any of the following:

1. Fire Chief
2. Other Officer

Any officer who observes inappropriate behavior or receives a harassment complaint shall notify the Chief of the department.

Formal Complaint (Preliminary Complaint)

Any member or applicant who alleges to be a victim of discriminatory workplace harassment should, within thirty days of the alleged incident:

1. Contact the Fire Chief
2. Contact another Officer

The preliminary complaint can be verbal or written.

Extension of Time

The party in charge of investigating the complaint may extend the time requirements set forth in this procedure when

he or she determines it is in the best interest of fairness and justice to the parties involved.

Review of Preliminary Complaint

Upon notification of a harassment complaint, the officer or assigned shall conduct a preliminary determination as to whether there is any merit of the complaint. If no merit is found, the officer may still meet with the parties involved to attempt to conciliate the complaint or conflict between the parties.

Formal Complaint

In after an initial investigation is conducted, there is no resolution and/or not conciliation of the preliminary complaint, the Chief or his/her designee will promptly issue written notice of the right to file a formal written complaint via hand delivery or certified mail, return receipt. The complaint shall be signed and shall describe in detail the facts asserted to constitute harassment. The complaint shall be filed within ten calendar days after being notified of the right to file a formal complaint.

Upon receipt of a formal complaint, the Fire Chief or appointed designee will contact the alleged, who will be informed of the basis of the complaint, will be given a copy of the same and afforded an opportunity to respond. The response shall be in writing, addressed to the Fire Chief and /or appointed designee and received within seven calendar days after being notified of the complaint.

Review of the Response and Findings

Upon receipt of the response the Fire Chief or appointed designee may further investigate the formal complaint. Such investigation may include an interview with the complainant, the accused harasser(s) and other persons determined to have any relevant information concerning the complaint. This may include victims of similar conduct.

Factual information gathered through investigation will be reviewed to determine whether the alleged conduct constitutes harassment, giving consideration to all factual information, the totality of the circumstance(s) including the nature of the verbal, physical, visual and sexual conduct and the context in which the alleged incident(s) occurred.

The results of the investigation and determination as to whether harassment occurred shall be final and binding and will be reported to the appropriate parties including the complainant, the alleged harasser(s) and the Fire Chief within twenty calendar days from receipt of the response.

Disciplinary Action

If harassment is determine to have occurred, the Chief or appropriate office shall recommend prompt and effective remedial action against the harasser. The action will be commensurate with the severity of the offense, up to and including suspension or expulsion from the department. Copies of the final report, including disciplinary action taken will be distributed to both parties.

Retaliation

Retaliation in any manner against a person for filing a harassment charge or initiating a harassment complaint, testifying in an investigation, providing information or assisting in an investigation, is expressly prohibited and subject to disciplinary action up to an including expulsion from the department. The Fire Chief or designated appointee will take reasonable steps to protect the victim from any retaliation as the result of communicating the complaint.

Confidentiality

Confidentiality will be maintained to the fullest extent possible in accordance with applicable federal, state and local laws.

False Complaints

Any complaint made by a member of the Missouri Valley Fire Department regarding job-based harassment, which is conclusively proven to be false, shall result in discipline. This discipline may include dismissal from the department. This section is not to discourage personnel from making complaints regarding job-based harassment. However, false complaints adversely impact the workplace and the reputation of the accused, even when disproved and will not be tolerated.

Limitations

The use of this procedure is limited to complaints related to discriminatory workplace harassment on the basis of race, religious creed, national origin, ancestry, disability, medical condition, marital status, pregnancy, sexual preference, gender or age. All other complaints shall be handed through the chain of command or as described within the department's by-laws.

**By Authority of:
Fire Chief**

Eugene Shaeffer