

**Stillwater Fire District
Stillwater, New York**

Fire District Policy and Procedure

Policy Number: 2 of 2012

Policy Name: Violence in the Workplace/Sexual Harassment Policy

Date Issued: June 11, 2012

Effective: June 11, 2012

Revised: _____

Review Date: January 2020

Note: this policy supersedes Policy #3 of 2011, The Harassment Policy

I. PURPOSE

A. In keeping with our Vision, the Stillwater Fire District is committed to maintaining an environment of mutual support and respect for people and expressly prohibits any form of discrimination, violence or harassment in the workplace. The District is also committed to providing a safe and secure environment for our members and visitors. All members are expected to maintain an environment that is free from violence, threats of violence, coercion, discrimination or harassment based on race, color, religion, national origin, gender, age, marital status, physical or mental disability, veteran status, military service, citizenship status, sexual orientation or any other category protected by federal, state or local law, regulation or ordinance. The Stillwater Fire District maintains a zero tolerance of violence in the workplace and the purpose of this policy is to provide members with guidance that will maintain an environment at and within District property and at events that is free of violence or the threat of violence.

II. DEFINITIONS

- A. Harassment includes, but is not limited to slurs, negative stereotyping or threatening, intimidating or hostile acts or written or graphic material that shows hostility toward an individual on any of the fire district's premises.
- B. Workplace violence is a behavior in which a member, former member or visitor to the District, scene or event inflicts or threatens to inflict damage to property, serious harm, injury or death to others in the workplace.
- C. A threat is the implication or expression of intent to inflict physical harm or action that a reasonable person would interpret as a threat to their physical safety or property.
- D. Intimidation is making others afraid or fearful through threatening behavior.
- E. Violence in the workplace may include but not be limited to the following list of prohibited behaviors directed at or by a co-worker, supervisor or member of the public;
 - i. Direct threat or physical intimidation
 - ii. Implications or suggestions of violence
 - iii. Stalking
 - iv. Possession of weapons of any kind on any district property that are displayed or used in a threatening method toward a member or public.
 - v. Assault of any form
 - vi. Physical restraint, or confinement
 - vii. Dangerous or threatening horseplay
 - viii. Blatant or intentional disregard for the safety or well being of others
 - ix. Commission of a violent felony or misdemeanor on District property.

- x. Any other act that a reasonable person would perceive as constituting a threat of violence, including domestic violence perpetrated in the workplace.

III. POLICY

- A. Sexual harassment is unlawful. While it is not easy to define precisely what types of conduct could constitute sexual harassment, examples of prohibited behavior include but are not limited to:
 - 1. Unwelcome sexual advances, requests for sexual favors and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where;
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment/membership;
 - b. Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's membership or employment;
 - c. Such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment;
 - d. Such conduct unreasonably interferes with the work performance of an individual or group.
 - 2. Offensive comments, pictures, calendars, any written material, any offensive screen savers or online searches, jokes, and other sexually oriented statements.
 - 3. All members are responsible for creating and maintaining an atmosphere free of harassment, sexual or otherwise, including conduct couched in purposeful insubordination meant to disrupt and undermine operations and respecting the rights of their co-workers.
- B. Violent behavior of any kind or threats of violence either implied or direct are prohibited on any district property or at any district or department activity. A member who exhibits violent behavior may be subject to criminal prosecution and shall be subject to disciplinary action including suspension or immediate dismissal from the Fire District. Actions by a non-member may result in criminal prosecution. The District is obliged to investigate all complaints filed and will also investigate any violation of this policy upon being made or becoming aware. Retaliation against a person who makes a complaint regarding violent or unwanted behavior or threats is also prohibited and shall be investigated.

IV. PROCEDURE

- A. If you experience any harassment or witness any harassment, or believe you have been treated in an unlawful, discriminatory manner, you may report the incident to one of the following individuals;
 - 1. Any of the Chief Officers, responsible supervisory official or members of the Board of Fire Commissioners
- B. Any member who is the victim of violence or believes they have been threatened with violence, or is a witness to an act or threat of violence toward anyone shall take the following steps;
 - i. If an emergency exists and the situation is one of immediate danger, the member shall contact a police agency and may take whatever actions are available and appropriate to protect themselves from immediate harm, such as leaving the area.
 - ii. If the situation is not one of immediate danger, the member shall report the incident to a responsible official as soon as possible and file a written workplace violence report.
- C. Members who have reason to believe they or others may be victimized by a violent act sometime in the future shall inform an Officer or Commissioner by immediately informing them followed up by submitting a written workplace violence notification letter so that

- appropriate action can be taken. The Chief shall inform the Commissioners and if necessary local law enforcement officials.
- D. Members who may have a signed and filed restraining order against an individual due to a potential act of violence and who would be in violation of the order by coming to a District function or event shall immediately supply a copy of the executed order to the Chief, who will provide a copy to the District to place in the member's file.
 - E. Acts of violence shall be investigated immediately. The perpetrator of the violence shall leave the incident or property at once and if a member shall be placed on suspension until the next Board of Commissioner's meeting and until the findings of the investigation are considered. The Chief will initiate an investigation and may also refer the matter to a police agency for review and possible action. (If any of the Chief officers are subjects of the investigation a Commissioner will be assigned to the investigation). (If a commissioner is a subject of the investigation, the matter shall be investigated by a police officer assigned to the case). The investigation process shall include but not be limited to the following actions;
 - i. Visit the scene of the incident as soon as possible
 - ii. Interview the involved parties
 - iii. Consider security risk factors associated with the incident
 - iv. Determine the cause of the incident
 - v. Take mitigative action to prevent the incident from reoccurring
 - vi. Record the findings and file a report with the company president, the board of fire commissioners and copy the personnel files of the individuals involved.
 - F. In appropriate circumstances the Chief or designee will inform the reporting individual of the results of the investigation. To the extent possible confidentiality of the reporting member and the investigation will be maintained but results may need to be disclosed in appropriate circumstances. The District will not tolerate any form of retaliation against a reporting member.

By Order of Board of Fire Commissioners – Stillwater Fire District

Chairman Board of Fire Commissioners

STILLWATER FIRE DISTRICT WORKPLACE VIOLENCE INCIDENT REPORTING FORM

Date Reported: _____

Name of Person Making Report: _____

Telephone Number: _____

If anonymous, indicate method of notification:

Telephone call Written document Other; specify: _____

Location of the incident : _____

Name of Alleged Threat Maker/Perpetrator: _____

Relationship to the Department:

Member Auxiliary Visitor Vendor Contractor

Relationship to Victim/Potential Victim (if any): _____

Name of Victim/Potential Victim: _____

Additional information or documents may be attached if necessary

When (date) and where (physical location) did alleged threat or act of violence occur?

What events occurred immediately prior to the incident?

What was the specific language of the alleged threat?

Provide specific details of the alleged threat or act of violence:

Describe the conduct and appearance of the Threat Maker/Perpetrator (physically and emotionally):

Names of Witnesses:

#1 _____
#2 _____
#3 _____

Telephone Numbers:

What happened to the Threat Maker/Perpetrator after the incident?

Name(s) of supervisory staff involved and how they responded:

Steps that have been taken to ensure the threat will not be carried out or act of violence repeated:

Was local Law Enforcement notified? Yes No

If yes, what action was taken by Law Enforcement?

No action taken Report written Suspect escorted from property Suspect arrested

Name of local Law Enforcement Agency: _____

Suggestions for preventing a similar incident in the future:

Report Prepared by: _____

Date: _____

Title _____

Phone No.: _____