



# WARREN COUNTY FIRE ACADEMY



## Employee Conduct – Harassment

### **SUBJECT: Employee Conduct – Harassment**

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#### **Section 1: PURPOSE**

- 1.1 To establish a policy prohibiting all forms of harassment at the Academy.
- 1.2 To define a procedure for reporting harassment.
- 1.3 To establish guidelines for the administration of discipline in cases of harassment with the guidelines established by State Statutes, and Warren County Community College (WCCC) and the County of Warren policies.

#### **Section 2: INTENT**

- 2.1 For the purpose of this policy all members of the Academy, including but not limited to staff, students, and participants are required to comply with the provisions of the Employee's Conduct regarding harassment in all its forms.

#### **Section 3: DEFINITION OF HARASSMENT**

- 3.1 Harassment is an unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, pesters, annoys, or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, degrading, or hostile environment, or interferes with or adversely affects a person's work or educational performance.
- 3.2 Harassment does not include the conduct or actions of supervisors intended to perform employee discipline, such as deficiency notices, performance evaluation, verbal warnings, reprimands or other supervisory actions intended to promote positive performance.

#### **Section 4: ANTI-HARASSMENT**

- 4.1 The Academy maintains a strict policy prohibiting harassment or discrimination based on sex, race, age, color, national origin, ancestry, religion, creed, physical or mental disability, marital status, civil union status, veteran status, sexual orientation, gender, gender identity, genetic characteristics or information, and any other basis protected by applicable federal, state or local law. All such harassment is prohibited. The Academy's anti-harassment policy



# WARREN COUNTY FIRE ACADEMY



## Employee Conduct – Harassment

applies to all employees, students, officers, advisors, directors, independent contractors, visitors to the Academy and third parties.

- 4.2 The Academy's anti-harassment policy applies throughout the academy, exterior locations, on-line and to all academy activities. If harassment occurs by someone not employed by or enrolled at the Academy, the procedures in this policy should be followed as if the harasser were an employee of the Academy. If such is the case, the Academy will strive to be sensitive to such concerns. Nobody at the Academy should feel obligated to tolerate harassment in any form. The Academy will act to eliminate harassment in our environment. Persons who engage in prohibited harassment are subject to disciplinary action, up to and including possible termination. Anyone who has witnessed or is a victim of alleged harassment should immediately report the matter to supervisor/instructor in accordance with the Complaint Procedure for issues of possible discrimination or harassment (see below).

### Section 5: NO SEXUAL HARASSMENT

- 5.1 All persons are prohibited from engaging in sexual harassment at the Academy. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and exposure to visual, verbal or physical conduct of a sexual nature. Sexual harassment also exists when (1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment or enrollment, (2) submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive workplace or campus environment.
- 5.2 The following examples are a partial list of the types of conduct that may constitute sexual harassment (depending on the circumstances):
- 5.2.1 Unwelcome/unwanted sexual advances;
  - 5.2.2 Propositions of request for sexual favors;
  - 5.2.3 Repeated unwelcome requests for dates;
  - 5.2.4 Off-color jokes or innuendos; obscene, lewd, or suggestive language; or sexually oriented or explicit remarks;
  - 5.2.5 Derogatory comments based on gender;
  - 5.2.6 Inappropriate or sexually suggestive touching, such as grabbing, groping, fondling, kissing, brushing up against another's body, stroking someone's hair, or rubbing or massaging someone's neck or shoulder's;



# WARREN COUNTY FIRE ACADEMY



## Employee Conduct – Harassment

- 5.2.7 Other sexually suggestive gestures or physical movements;
- 5.2.8 Posting displaying or distributing any sexually oriented, sexually explicit or demeaning materials;
- 5.2.9 Standing too close, leering, staring or stalking;
- 5.2.10 Other verbal or physical conduct that is of sexual nature or that is based on gender.

5.3 The Academy recognizes that as an academic institution devoted to the pursuit of academic learning, there may be instances where exposure's such as grabbing, groping, brushing up against another's body may occur, such as in live fire and emergency training and other classes. The Academy maintains an open-door policy with respect to student and staff concerns relating to such topics and strives to fulfill its academic mission in a professional manner.

5.4 Prohibited sexual harassment also includes any effort by a person in authority to use his or her position or authority to control, influence, or affect the career, academic status, grades, salary, employment, or terms and conditions of employment of an employee or student in exchange for sexual favors.

5.5 It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment is prohibited whether it involves a co-worker, student, instructor, supervisor, advisor or by persons doing business with or for the Academy.

### Section 6: **REPORT ALL FORMS OF DISCRIMINATION OR HARASSMENT**

6.1 Everyone has a responsibility to maintain an Academy free of any form of discrimination or harassment. Anyone who believes he or she has witnessed or is being subjected to discrimination or harassment at an Academy activity should immediately report the matter to a supervisor or instructor in accordance with the Complaint Procedure below, or in any other manner reasonably calculated to inform Academy management.



# WARREN COUNTY FIRE ACADEMY



## Employee Conduct – Harassment

### Section 7: COMPLAINT PROCEDURE

- 7.1 Maintaining a harassment-free Academy requires the cooperation of all individuals. It is very important for all persons to report to the Academy any conduct they believe is improper regardless of the identity of the alleged harasser or who the harassment is directed at.
- 7.2 To encourage persons to bring forward any concerns they may have about possible discrimination or harassment, the Academy prohibits retaliation against anyone who makes such a complaint or who is involved in the investigation of such a complaint. Persons who believe they have suffered or witnessed retaliation must report the matter immediately to a supervisor, instructor or WCCC Human Resources (HR). Anyone who engages in retaliation is subject to disciplinary action, up to and including possible termination.
- 7.3 The Academy's complaint procedure provides for an immediate, thorough and objective investigation of any discrimination or harassment claim, appropriate disciplinary action against one found to have engaged in prohibited harassment and appropriate remedial action.
- 7.4 Persons who believe they have been harassed or discriminated against at the Academy, including by persons doing business with or for the Academy, should provide a written or oral complaint to the Academy or WCCC Human Resources as soon as possible. The complaint should include details of the alleged incident(s), names of individuals involved, and the names of any witnesses. Instructors must immediately refer all harassment complaints to an Academy Supervisor.

### Section 8: INVESTIGATION PROCEDURE

- 8.1 All complaints of possible discrimination and/or harassment will be treated seriously and promptly investigated, even if the alleged victim expresses a desire that the Academy not investigate. That is the law. The investigation will be as confidential as possible, consistent with the need to conduct an investigation. The Academy will immediately undertake or direct an effective, thorough and objective investigation of the discrimination and/or harassment allegations.
- 8.2 All complaints of harassment and discrimination should be promptly reported to the Academy for investigation or referral to the WCCC Human Resources, Academy Board of Advisors, and the Department of Public Safety.
- 8.2.1 Complaints of harassment against a student, visitor, or participant shall be referred to an Academy Instructor or Supervisor.
- 8.2.2 Complaints of harassment against an Instructor shall be referred to an Academy Supervisor.



# WARREN COUNTY FIRE ACADEMY



## Employee Conduct – Harassment

8.2.3 Complaints of harassment against an Academy Supervisor shall be referred to the Academy Coordinator.

8.2.4 Complaints of harassment against the Academy Coordinator shall be referred to WCCC Human Resources.

8.2.4.1 The WCCC Human Resources shall notify, in writing, the Warren County Department of Public Safety receipt of complaint.

8.3 All investigations shall be conducted as soon as is practicable, and reported for appropriate action, if any, pursuant to applicable personnel policies and student conduct codes. The investigator shall interview the complainant, the person alleged to have engaged in a violation of this policy and any other persons who witnessed the alleged conduct or similar conduct forming the basis of the complaint. The investigator shall make written factual findings and credibility assessments, and then forward a report to the Academy, WCCC Human Resources Department, Academy Board of Advisors and the Warren County Department of Public Safety for assessment and review. A special emergency session of the Academy Board of Advisors may be convened to determine appropriate disciplinary and remedial action, if any, subject to applicable notice, personnel policies, procedures and regulations. All investigative materials are deemed confidential and are not subject to disclosure, except as otherwise required by law.

8.4 The investigation will be completed and a determination regarding the allegations will be made and communicated to the person who complained and the accused party.

### Section 9: **FALSE CLAIMS OF HARASSMENT OR DISCRIMINATION**

9.1 Anyone who makes an intentionally false claim of harassment or discrimination will be disciplined according to Academy policy, up to and including termination.

### Section 10: **NO RETALIATION**

10.1 The Academy will not tolerate retaliation against any individual because he or she has made a good faith complaint of harassment or discrimination to the Academy or has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding, hearing or litigation under federal or state discrimination statutes or at other hearings regarding protected civil rights. The Academy also prohibits retaliation against someone closely related to or associated with the person exercising such rights. Examples of retaliation may include, but are not limited to, hostile conduct toward an individual who participated in protected activity. Such conduct includes, but is not limited to, verbal or body language which is threatening or expresses or suggests disapproval or hostility; failure to cooperate in academy procedures; or sudden unfounded disciplinary action not based on actual job or



# WARREN COUNTY FIRE ACADEMY



## Employee Conduct – Harassment

academic performance. If anyone is unclear as to what kind of activity may be prohibited retaliation, contact an Academy Supervisor immediately for more information.

10.2 All complaints of prohibited retaliation which are reported to management will be investigated. The Academy will immediately undertake and direct an effective, thorough and objective investigation of the retaliation allegations. The investigation will be as confidential as possible, consistent with the need to conduct an investigation. The investigation will be completed and a determination regarding the alleged retaliation will be made and communicated to the person who complains and to the person(s) accused of retaliation.

10.3 If the Academy determines that an individual has suffered adverse action in retaliation for opposition to alleged discrimination or participation in a proceeding related to alleged discrimination, the Academy will take effective remedial action appropriate to the circumstances. The Academy will also take action to deter any future retaliation. If a complaint of unlawful retaliation is substantiated, appropriate disciplinary action, up to and including termination, will be taken. Whatever action is taken against the person responsible for the retaliation will be communicated to the person who complained.

### Section 11: **REPEALER**

11.1 Any order, policy or directive of a previous administration on this subject matter and in conflict with it is hereby repealed.

11.2 Should another order, policy or directive of this administration appear to be in conflict with this general order it shall be brought to the attention of the Academy Coordinator who shall make the determination and issue amending orders, if needed.

11.3 This policy is not in conflict with similar policies set forth by the County of Warren, Warren County Department of Public Safety, or the Warren County College. Additionally, this policy reflects the content of and works in conjunction with WCCC policy 201.2 and County of Warren Anti-Harassment policy.