

ANTI-HARASSMENT POLICY, INCLUDING SEXUAL HARASSMENT

The Franklin Township Commissioners of Fire District No. 1 (“District”) has a strong commitment to provide an environment free from unlawful harassment based on sex, affectional or sexual orientation, race, color, religion, national origin, age, disability, ancestry, atypical hereditary cellular or blood trait (AHCBT), liability for service in the Armed Forces of the United States, creed, handicap, marital status, familial status, genetic information, refusal to submit to genetic testing, refusal to provide genetic information, or nationality of that person or that person’s spouse, partners, members, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers, or other characteristic protected by law (collectively the “protected classifications”). The District will not tolerate unlawful harassment. Acts or incidents of unlawful harassment should be promptly reported in accordance with the procedures outlined below. The District will promptly investigate all reports of unlawful harassment. Employees and volunteers (collectively referred to as “employees”) who violate this Policy will be subject to disciplinary action up to and including termination from employment or from fire service. Employees who violate this Policy also risk personal legal liability.

This policy shall apply to all employees of the District and to any individuals who serve as volunteers, as well as to officials, appointees, and outside contractors and/or vendors of the District.

PURPOSE:

To ensure all employees of the District an environment free of any type of unlawful discrimination, including freedom from harassment on the basis of any protected classification.

PROVISIONS:

1. **Improper Conduct:** Instances that may violate the District’s policy against harassment and which may result in disciplinary action include the following:
 - *Unwelcome remarks and actions based on the protected classifications.* This may include, but is not limited to, inappropriate jokes, comments or posted materials.
 - *Threats or suggestions that an employee’s employment work status will be adversely affected based upon the protected classifications.*
 - *Affecting or denying employment opportunities or benefits to an employee based upon the protected classifications.*
 - *Engaging in a negative tangible employment action based upon the protected classifications.*

- *Retaliation against an employee who has reported an alleged violation of this Policy or participated in an investigation related to this Policy.*

2. **Sexual Harassment:** An important note must be made with respect to sexual harassment. Sexual Harassment is defined as any unwelcome advance or request for sexual favors or any conduct of sexual nature where:

- Submission is made explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of the harassing conduct is threatened to be used, as the basis of employment decisions; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work or creates an intimidating, hostile, or offensive working environment.

Sexual harassment is *unwelcome* sexual attention which is demeaning and causes the recipient distress. Comments or behavior which may be intended to be complimentary may be viewed by the recipient as unwelcome and a form of sexual harassment.

3. **Supervisory Personnel:** Every Commissioner and supervisor is responsible for preventing and reporting unlawful harassment. Failure to take action to stop unlawful harassment may be grounds for disciplinary action. Special care must be exercised by supervisors and managers whose actions or remarks may be mistakenly perceived as unlawful harassment. The subordinate may feel inhibited and may not disclose the unwelcome actions or remarks by the supervisor or person of higher rank. Unlawful harassment is not limited, however, to employees of different rank.

4. **Complaint Procedure:** Any employee who feels that he or she has been subject to harassment or has knowledge of a violation of this Policy should report the incident directly to a Chief Officer or to a Commissioner. If circumstances prevent reporting the incident directly to the employee's Chief Officer, the employee should report the incident to any other supervisory employee or Commissioner with whom you feel comfortable reporting your complaint. One of the designated individuals must be promptly advised of such complaint. If the complaint involves a direct supervisor, the employee is not required to complain to that direct supervisor. The complaint should then be made to any of the other above-mentioned individuals. A complaint of harassment shall be investigated in a timely manner.

A. The complaint filed must include the following information:

- (1) The name and department of the complainant;

- (2) The name and department of the charged party;
 - (3) The nature and circumstances, in detail, of the alleged harassment, including but not limited to the injuries or consequences suffered by the complainant, the names of any witnesses to such actions and the duration of the actions questioned; and
 - (4) Whether such harassment has been previously reported to a supervisor or other person, and if so, when and to whom.
- B. Nothing in this section shall prevent the complainant from providing other information or documents he/she believes are essential to the fair adjudication of their case.
- C. The initial complaint may be made orally or in writing. If the complaint is made orally, same shall be reduced to a written document, which shall, if it is deemed accurate, be signed by the complainant. If an individual is uncomfortable making a written complaint, the District may proceed with its investigation without a formal written complaint.

5. **Investigation Procedure:** Once a complaint has been registered or a harassment situation has become known to the District, a prompt, fair and thorough investigation will be conducted to determine the meritorious character of the complaint.

If the District determines that unlawful harassment has occurred in violation of this Policy, the individual who engaged in such harassing conduct shall face immediate and appropriate disciplinary action based upon the severity of the complaint and any prior history of past charges made against the individual and disciplinary action involving the individual. Disciplinary action may include being suspended with or without pay (as applicable) pending the hearing, a written warning, suspension, demotion, or termination of employment.

6. **Privacy:** The District encourages victims of harassment to bring their complaints to management by ensuring that no reprisals or retaliation will result against such complaining individual as a result of the good faith reporting of harassment. In addition, anyone who assists in the filing of a complaint or in the investigation of a claim of harassment will be protected from reprisals and retaliation. Reprisal or retaliation may be the basis of a separate complaint, even if the complaint of harassment may be found to be without merit.

To the fullest extent possible, and so long as it does not inhibit the conducting of an investigation, all persons involved with a harassment complaint will be given the utmost protection of privacy.

7. **District Liability:** Since the District prohibits harassment of its employees in any form, any individual charged with harassment in a civil action or by way of an administrative complaint may be solely responsible for paying all costs of defense and/or any damages resulting therefrom which are awarded by any proper court of law or after an administrative hearing.

8. **False Accusations:** Since a charge of harassment is a grave and serious one, false accusations of harassment are, and will be treated as, a disciplinary offense and will result in a level of punishment appropriate for a person engaging in such behavior.

Any employee with questions regarding the District Anti-Harassment Policy may contact a Commissioner.