



# Shawnee Heights Fire District

## NO DISCRIMINATION OR HARASSMENT POLICY

**Purpose:** To establish a policy on maintaining a work environment that is free from discrimination and harassment.

**Applicability:** To all District employees.

**Effective Date:** November 20, 2008

### 1. DEFINITIONS

- a. **DISCRIMINATION** – for all purposes includes, but is not limited to, treating an employee differently because of his or her race, sex, religion, color, national origin, age, disability, or any other factor protected by law, in connection with the terms and conditions of employment, including but not limited to, decisions relating to hiring, promotions, merit increases, discipline, compensation, and discharge from employment with the District. Discrimination does not occur, however, when an employee is treated differently than another employee for legitimate, business-related reasons.
- b. **HARASSMENT** – for all purposes includes, but is not limited to, offensive language, jokes, or other verbal, graphic or physical conduct relating to an employee's race, sex, religion, color, national origin, age, disability, or any other factor protected by law, which would make the reasonable person experiencing such harassment uncomfortable in the work environment or which could interfere with the person's job performance.

### 2. PURPOSE

- a. The Shawnee Heights Fire District is committed to maintaining a work environment that is free from discrimination and harassment where employees at all levels of the District are able to devote their full attention and best efforts to the job. Discrimination and harassment, either intentional or unintentional, have no place in the work environment. Accordingly, the District does not authorize and will not tolerate any form of discrimination or harassment of or by any employee (e.g. supervisor or non-supervisor) based on race, sex, religion, color, national origin, age, disability, or any other factor protected by law.

### 3. STATEMENT

- a. **Sexual Harassment**
  - i. The prevention and elimination of sexual harassment is a special concern to the District. Sexual harassment includes: (a) physical assaults or physical conduct that is sexual in nature; (b) unwelcome sexual advances or comments or requests for sex or sexual activities linked to one's employment or advancement, regardless of whether they are based on promises or threats; (c) sexual displays or publications such as calendars, cartoons or graffiti; (d) other verbal or physical conduct of a sexual nature that has the purpose or effect of interfering with an individual's work performance, or creating an intimidating, hostile, or offensive work environment; or (e) retaliation for complaints of harassment. The District regards all such pervasive conduct as creating a hostile and offensive work environment in violation of this policy, regardless of whether submission to such

conduct is made either explicitly or implicitly a term of condition of employment. Examples of sexual harassment include sexual propositions, sexual innuendo, sexually suggestive comments, sexually oriented “kidding,” “teasing” or “practical jokes,” jokes about gender specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact, such as patting, pinching, or brushing against another’s body; or reading or otherwise publicizing in the work environment materials that are suggestive or revealing.

- b. Racial and Religious Harassment
  - i. Racial, religious, or national origin harassment deserves special mention as well and is expressly prohibited by this policy. Racial, religious, or national origin harassment includes any verbal, written, or physical act in which race, religion, or national origin is used or implied in a manner that would make a reasonable employee uncomfortable in the work environment or that would interfere with the employee’s ability to perform the job. Examples of racial, religious, or national origin harassment include jokes that include reference to race, religion, or national origin; the display or use of objects or pictures that adversely reflect on a person’s race, religion, or national origin; or use of language that is offensive due to a person’s race, religion, or national origin.
- c. Physical Disability Discrimination
  - i. The District prohibits discrimination against employees with disabilities (as that term is defined under the Americans with Disabilities Act and state law). To this end, the District will provide a disabled employee with a reasonable accommodation to enable the employee to perform the essential functions of his or her job if the accommodation does not cause undue hardship on the District. It is incumbent on the employee to request a reasonable accommodation for a disability by contacting the Fire Chief.
- d. Reporting Procedure
  - i. The District cannot resolve matters that are not brought to its attention. Any employee, regardless of position, who has a complaint of or who witnesses discrimination or harassment at work by anyone, including supervisors, managers, employees or even non-employees, has a responsibility to immediately bring the matter to the District’s attention.
  - ii. To bring instances of discrimination or harassment to the District, an employee must report the discrimination or harassment to his or her immediate supervisor. If the complaint involves someone in the employee’s direct line of supervision, then the employee should notify another supervisor or bring the complaint to the next level of management. Regardless of the complainant’s assignment, every supervisor has a duty to immediately notify the Fire Chief of any complaint lodged in respect to this policy. An employee always has the option of reporting the complaint directly to the Fire Chief.
  - iii. Nothing contained herein shall abrogate an employee’s ability to seek redress from any other entity.

- e. Investigation Process
  - i. The District will thoroughly and promptly investigate all claims of discrimination and harassment. The District will maintain the confidential nature of complaints except, as disclosure is required in subsequent disciplinary, civil or criminal procedures. The Fire Chief will conduct all investigations regarding this policy, and/or shall provide oversight to the investigative process. If an investigation confirms that discrimination or harassment has occurred, the District will take corrective action, including such discipline up to and including immediate termination of employment, as appropriate. Claims of assault or battery, or the threat thereof, if proven, will result in corrective action, up to and including termination. At the conclusion of the investigation, the District will again meet with the complaining employee and will report that an investigation was completed and, that appropriate discipline was taken. If it is determined that an employee intentionally provided false information regarding a complaint, disciplinary action may result.
- f. Protection Against Retaliation
  - i. The District will not tolerate adverse treatment of employees because they reported harassment or discrimination or provided information related to such complaints. The District will undertake whatever measures are necessary to ensure that retaliation does not occur. Employment decisions affecting an employee who has filed a complaint shall not be based on retaliatory motives.
  - ii. If you believe that the District has not met its obligations under this policy, you should contact the Fire Chief or District Board. An effective No Discrimination or Harassment Policy depends on all of us, working together, to address this very important subject.

THIS POLICY SPECIFICALLY REPEALS AND REPLACES PRIOR DISTRICT POLICIES AND ADMINISTRATIVE MEMORANDA REGARDING DISCRIMINATION, HOSTILE WORK ENVIRONMENT, AND SEXUAL HARASSMENT.

Approved: By Board Action on November 20, 2008.

## EMPLOYEE ACKNOWLEDGEMENT

I have read and understand the Shawnee Heights Fire District's No Discrimination or Harassment Policy. Specifically, I acknowledge my understanding of the following:

1. I understand the type of conduct and behavior that is prohibited under this policy.
2. I understand that I will be subject to discipline, up to and including the termination of my employment, if I engage or conduct prohibited by this policy.
3. I know how to report violations of this policy to the Shawnee Heights Fire District.

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Signature

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Date

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Printed Name