

WASHINGTON TOWNSHIP BOARD OF FIRE COMMISSIONERS
DISTRICT NO. 1
SEXUAL HARASSMENT POLICY

I. **RATIONALE**

The purpose of this policy is to develop and maintain an awareness of the personal dignity of others by fostering a work environment free of sexual harassment, and to establish procedures for dealing with sexual harassment when it occurs. All employees, female or male, have the right to a work environment free from all forms of unlawful discrimination and conduct which can be considered harassing, coercive or disruptive, including sexual harassment. Sexual harassment is a form of employee misconduct which undermines the integrity of the employment relationship. Sexual harassment debilitates morale and interferes with work productivity and, therefore, will not be tolerated. Any employee who engages in sexual harassment is subject to discipline, up to and including dismissal.

II. **SCOPE AND AUTHORITY**

- A. This policy applies to all employees of this organization, both sworn and civilian.
- B. Authority
 - 1. Title VII of the Civil Rights Acts of 1964 as amended.
 - 2. *N.J.S.A. 10.5-1, et seq.*
 - 3. *N.J.S.A. 11A:1-1, ET SEQ.*
 - 4. *N.J.A.C. 4A:701.3.*

III. **PROCEDURES**

- A. The following behavior is defined as sexual harassment and is prohibited:
 - 1. Physical assaults of a sexual nature, such as:
 - a. Sexual assaults or criminal sexual contact, or the attempt to commit these offenses; or
 - b. Intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.
 - 2. Unwanted sexual advances, propositions or other sexual comments, such as:

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- a. Sexual orientated gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicated in any way that such conduct in his or her presence is unwelcome; or
 - b. Preferential treatment or promise of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; or
 - c. Subjecting, or threatening to subject, an employee to unwelcome sexual attention or conduct; or
 - d. Intentionally making performance of the employee's job more difficult because of the employee's sex.
3. Sexual or discriminatory displays or publications anywhere in the organization's workplace by the organization's employees, such as:
- a. Displaying, or otherwise publicizing in the work environment, pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually revealing, sexually suggestive, sexually demeaning, or pornographic; or
 - b. Displaying signs or other materials purporting to segregate an employee by sex in any area of the workplace, other than restrooms and similar semi-private locker/changing rooms.
4. Retaliation for sexual harassment complaints, such as:
- a. Displaying, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment, discriminations or retaliation; or
 - b. Intentionally pressuring another person to give false information about an alleged incident of sexual harassment for the purpose of covering up such incident.

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5. The above list of behavior is illustrative and should not be constructed as an all-inclusive list of prohibited acts under this policy.

B. Responsibilities.

1. Employees.

- a. Employees subjected to sexual harassment are encouraged, whether directly or through a third party, to notify the alleged harasser that the behavior in questions is offensive and unwelcome. However, failure to do so does not preclude filing a complaint.
- b. Employees subjected to sexual harassment are encouraged to promptly report all such incidents.
- c. Employees who observe any behavior by another employee which constitutes sexual harassment shall promptly report the incident.

2. Managerial/Supervisory.

- a. In order to ensure the integrity of the work environment, managerial and/or supervisory personnel are required to ensure adherence to and compliance with this policy; and, upon becoming aware of possible sexual harassment, are required to:
 - (1) Take appropriate immediate action to stop the harassing behavior;
 - (2) Inform the employee of his/her right to file a discrimination complaint; and
 - (3) Notify a Firematic Officer of the incident and the action taken.

C. Report Sexual Harassment.

1. There are various ways in which employees may file discrimination complaints, including sexual harassment within the agency, either concurrently or sequentially. A complaint must be in writing and may be filed with:

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- a. A Firematic Officer, who shall immediately notify both the Chief and Assistant Chief of the Department.
- b. Supervisors in employee's chain of command.
 - (1) The complainant may initiate a sexual harassment or other discrimination complaint directly with a supervisor in their chain of command, up to the chief executive officer, if filing the complaint with the Firematic Officer would pose a conflict of interest by virtue of the alleged harasser having any involvement in the intake, investigative or decision-making process.
 - (2) Other Forums.
 - i. Any Commissioner of the WTBOFC
 - ii. Superior Court of New Jersey.
 - iii. New Jersey Division on Civil Rights.
 - iv. Federal District Court.
 - v. Equal Employment Opportunity Commission (EEOC).

Department of Personnel – Merit System Board (if applicable).

- D. Protection of All Parties.
 1. All complaints will be addressed promptly and investigated thoroughly.
 2. All parties to the complaint shall be afforded of all the protection as in any internal affairs investigation.
 3. To the extent possible, the sexual harassment investigative proceedings will be conducted in a manner which protects the confidentiality of the complainant, the alleged harasser, and all witnesses. All parties involved in the proceedings will be advised to maintain strict confidentiality, from the initial meeting to the final decision of the organizations, to safeguard the privacy and reputation of all involved.