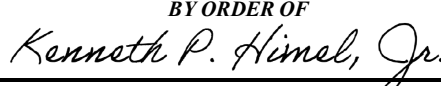




BAYOU CANE FIRE DEPARTMENT

STANDARD OPERATING PROCEDURES



		Policy No.	111.00		
<i>Division:</i>	Administration: Emp. H		<i>Effective Date</i>	10/07/13	
<i>Chapter:</i>	100		<i>Amended Date</i>	06/01/2022	
Created by:		Page(s):		<i>BY ORDER OF</i>	
K. Himel & Acct. Staff		5		 Kenneth P. Himel, Jr., Fire Chief	

111.00 Sexual and Other Harassment

SCOPE

This policy applies to all employees of BCFD.

PURPOSE

The purpose of this policy is to express the BCFD position that it will not tolerate sexual harassment or harassment due to race, color, sex (regardless whether sexual in nature), religion, national origin, citizenship, age, disability, protected activity, or veteran status in the workplace. This policy complies with Federal Regulations as stated in Section 703 of Title VII of the 1964 Civil Rights Act as amended. Employees who believe they have been the subject of harassment shall report such conduct to their supervisor, or any other BCFD representative appropriate in the circumstances. If the employee should choose to do so, they may contact the Fire Chief, directly.

GENERAL POLICY

It is the BCFD policy to maintain a work environment free from discrimination and to prohibit sexual advances or harassment among its employees. BCFD expects all employees to act responsibly in maintaining a work environment free of discrimination in any form.

BCFD does not tolerate sexual harassment in the workplace or during any District-related activity. The District provides internal procedures for victims of sexual harassment to report sexual harassment and disciplinary penalties for those who commit sexual harassment.

No person, employee, or third party, no matter his or her title or position has the authority, expressed, actual, apparent or implied, to commit or allow sexual harassment.

BCFD prohibits, forbids, and does not tolerate any employee, supervisor or visitor, male or female, to harass an employee or to create a hostile or intolerable working environment by exhibiting, committing or encouraging:

- Direct or implied threats that submission to sexual advances will be a condition of employment or continued service with the District;

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- Material such as pornographic or sexually explicit posters, calendars, graffiti, or objects;
- Unwanted, unwelcome, an unwarranted sexual advances, including, but not limited to, requests, comments or innuendoes regarding sex, sexual jokes, gestures, statement, e- mail or voicemail messages, leering or stalking; Intentional, malicious or unwelcome physical conduct that is sexual in nature, including, but not limited to touching, pinching, patting, brushing, massaging someone's neck or shoulders and / or pulling against another's body or clothes; and
- Physical assaults on other employees, including but not limited to rape, sexual battery, molestation, or any attempt to commit such acts.
- Even conduct that is intended to be "innocent" may still constitute sexual harassment if it falls within the terms of this policy. If any employee expresses concern that your behavior may have violated this policy, please respect his / her concerns. Regardless of your intent, how other interpret your behavior is important. This policy is not meant to interfere with or discourage friendships among employees. However, employees must be sensitive to acts or conduct that may be considered offensive by other employees.

DEFINITION OF SEXUAL HARASSMENT OR ADVANCES

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, regardless of gender, constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- Submission to, or rejection of, such conduct by an individual is used as a basis of employment decisions affecting such individual.
- Such conduct has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

OTHER PROHIBITED BEHAVIORS

- Racial or ethnic jokes, slurs, epithets, cartoons or graffiti.
- Sexually graphic comments, epithets, pictures, cartoons, gestures or graffiti.
- Taunting on the basis of actual or perceived sexual orientation.
- Repeated use of demeaning or degrading comments based on individual characteristics.
- Repeated use of offensive profanity or intimidating behaviors like yelling or throwing objects.
- Threats of harm, violence, or assault.
- Unwanted sexual flirtations or unwelcome, unnecessary touching. Requesting sexual favors in return for a tangible employment action.
- Hazing any employee.



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PROCEDURE

- BCFD policy regarding harassment shall be posted in a conspicuous location which makes it viewable by new applicants and employees.
- BCFD policy against harassment shall be discussed with all newly hired employees.
- All employees and supervisors will receive training on how to identify and prevent harassment in the work place as well as on how to handle a harassment complaint.
- All employees will receive training, or information on the issue of harassment. All employees should also be aware of the appropriate procedures for reporting any incident of perceived harassment.
- Chief Officers will periodically tour the facility for the purpose of detecting and removing any pictures, posters, calendars, graffiti, objects, books, magazines, or other materials that are sexually suggestive or demeaning, pornographic, violent, discriminatory in nature, or create a hostile environment.

The following three-step program of reporting, investigation, and corrective measures is to be used for suspected incidents of harassment:

111.01 Reporting Procedure

Whenever an employee has reason to believe he/she has been subjected to a discriminating work environment because of sexual advances or harassment, the employee shall promptly report such incidents to their supervisor or any Chief Officer they choose, or directly to the Fire Chief. The individual receiving the complaint is to report the complaint immediately to the Fire Chief. No retaliation in any form will be tolerated toward an employee for reporting in good faith such

incidents. All complaints of sexual harassment shall be reported to the Fire Chief regardless of the supervisor's evaluation as to the merit of the claim.

You are not required to directly confront the person who is the subject of your report, question, or complaint before notifying any of those individuals listed.

Every officer is responsible for enforcing departmental rules and regulations whether on or off duty. If a violation is observed or an officer is notified of any violations that officer shall immediately notify that member of the violation and take appropriate action. Should any officer have knowledge of such a violation and fails to report it, that officer shall be held equally responsible.

111.02 Investigation

Upon notice of any reported incidents of alleged sexual advances or harassment, BCFD will promptly conduct a full investigation of the matter. The investigation will include an opportunity for the accused employee to be heard. Confidentiality will be maintained to the greatest possible degree.

BCFD will make every effort to ensure that those named in the report, or are too closely associated with those involved in the report; will not be part of the investigative team or efforts.

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BCFD reserves the right and hereby provides notice that third parties may be used to investigate sexual harassment claims.

111.03 Corrective Measures

If the investigation substantiates the accusations, the appropriate corrective action will be taken. This may include, but not be limited to, reprimand, suspension, or dismissal, depending on the nature and severity of the offense.

Appropriate action will also be taken in the event the accusations are intentionally false and malicious in intent.

BCFD prohibits retaliation made against any employee who lodges a good faith complaint of sexual harassment, or who participates in any related investigation. The District recognizes that making false accusations of harassment in bad faith can have serious consequences for those who are wrongly accused. BCFD prohibits deliberately making false and / or malicious harassment allegations, as well as deliberately providing false information during an investigation. Anyone who violates this rule is subject to disciplinary action, up to and including termination.

RESPONSIBILITY FOR ADMINISTRATION

Every supervisor and employee is responsible for maintaining a work environment free from harassment and to take appropriate action if an incident occurs.

112.00 Equal Employment Opportunity Statement

BCFD has a continuing policy to afford equal opportunity to all employees and applicants for employment without regard to race, religion, national origin, sex, age, disability or veteran status. This policy applies to all personnel action including recruitment, hiring, training, promotions, compensation, benefits, transfers, layoffs, termination and recreational and social programs. BCFD believes that employees have a right to work in an environment free from harassment and/or discrimination based upon the employee's race, religion, sex, age, national origin, disability or veteran status.

Responsibility for carrying out this policy is placed with each Chief Officer and supervisor at every level.