

POLICY PROHIBITING DISCRIMINATION AND HARASSMENT IN THE WORKPLACE AND IN THE PUBLIC

POLICY# P4

DATE ADOPTED 11/12/07

DATE REVISED Adopted 04/10/2024

PURPOSE OF POLICY: THIS POLICY SHALL GOVERN THE BEHAVIOR AND TREATMENT OF FIRE DISTRICT EMPLOYEES AND DEPARTMENT MEMBERS AND THE GENERAL PUBLIC WHILE THEY ARE IN THE WORKPLACE INCLUDING THE FIRE DISTRICT OFFICE, STATIONS, FIRE GROUND LOCATIONS AND SCENES OF ANY OTHER EMERGENCY FOR WHICH FIRE OR EMERGENCY MEDICAL SERVICES ARE REQUESTED OR LOCATIONS WHERE FIRE DISTRICT BUSINESS IS BEING CONDUCTED.

ANY INDIVIDUAL BELIEVING THAT HE OR SHE IS THE VICTIM OF EITHER HARASSING BEHAVIOR OR DISCRIMINATORY TREATMENT IS URGED TO REPORT THE INCIDENT WITHOUT DELAY IN THE MANNER DESCRIBED HEREIN.

SUMMARY

Westville Fire district No.1 recognizes the dignity and self-worth of all persons. Accordingly the District has adopted a zero tolerance policy against all forms of sexual harassment and discriminatory practices prohibited by the Constitution and laws of the United States of America and/or the State of New Jersey.

The scope of this policy includes all full time and/or part time employees of the District, all members of the Westville Fire Department, all applicants for membership in The Westville Fire Department, all applicants for employment with the Fire District and any agent doing business with the Department and/or Fire District including the general public. Any violation of this policy will result in appropriate disciplinary action up to and including dismissal from employment and/or removal from the Department and/or possible civil and/or criminal prosecution.

It is understood that no individual shall suffer negative consequences for reporting harassing or discriminatory behavior in good faith, regardless of whether they are the victim or an interested party who has knowledge of such behavior.

This policy contains procedures to be followed for both initiating and processing a complaint.

POLICY

SECTION I: OVERVIEW

The Westville Fire District No. 1 hereafter referred to as the fire district, recognizes the dignity and self-worth of its employees and of all members of the Westville Fire Department hereinafter referred to as the department. The Fire District is committed to providing an environment free of discriminatory practices and sexual harassment.

This policy includes protection from discriminatory practices including, but not limited to, hiring, promotions, training, assignments, termination, and compensation, working conditions, career progression and development and public interactions whether emergent or non-emergent events.

This policy shall govern the behavior and treatment of the public, fire district employees and department members while they are in the workplace, including the fire district office, stations, fire ground locations and scenes of any other emergency for which fire or emergency medical services are requested or locations where fire district business is being conducted. Additionally, the workplace shall include training grounds and any other location where department members assemble for the purpose of conducting fire department business and shall include any other location where fire district employees are conducting fire district business.

All vendors and anyone else doing business with the fire district and/or department are covered by this policy.

SECTION II: DISCRIMINATION

It shall be considered a violation of this policy to engage in practices of discrimination because of race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, pregnancy, genetic information, sex, gender identity or expression, disability or atypical hereditary cellular or blood trait of any individual, or because of the liability for service in the Armed Forces of the United States and any other practice of discrimination as set forth by the State of New Jersey in the New Jersey Law Against Discrimination as may be amended from time to time. Discriminatory conduct as described herein is strictly prohibited in any manner or form. This Paragraph covers Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments Act of 1972, which prohibits discrimination based on sex in education programs or activities, Age Discrimination Act of 1975, which prohibits discrimination based on age and U.S. Department of Homeland Security regulation 6 C.F.R. Part 19, which prohibits discrimination based on religion in.

SECTION III: DEFINITIONS

III.A: Verbal Harassment – Epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments on the basis of race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, pregnancy, genetic information, sex, gender identity or expression, disability or atypical hereditary cellular or blood trait, whether made in general, directed to an individual, or to a group of people regardless of whether the behavior was intended to harass. This includes, but is not limited to:

- a. Inappropriate sexually oriented comments on appearance, including dress or physical features;
- b. Telling lies or spreading rumors about the sexuality or sex life of an employee;
- c. Race oriented stories;
- d. Whistling or catcalling;
- e. Use of vulgar language;
- f. Comments about offensive television shows, radio shows or magazine articles;
- g. Repeatedly asking someone for a date after you have been turned down;
- h. Referring to someone in demeaning terms such as boy, babe, hunk girl, honey;
- i. Leering or “undressing the person with your eyes”;
- j. Recounting one’s sexual exploits in front of other people; or

k. Telling or relating crude jokes.

III.B. Physical Harassment – Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, pregnancy, genetic information, sex, gender identity or expression, disability or atypical hereditary cellular or blood trait. This includes, but is not limited to:

- a. Patting or pinching;
- b. Brushing up against someone;
- c. Hugging, kissing, fondling;
- d. Grabbing or touching clothing, hair or body parts;
- e. Inappropriate behavior in or near bathrooms, sleeping facilities and eating areas;
- f. making explicit or implied threats or promises in return for submission to physical acts;
- g. Leaning over someone for a better view of body parts (down blouse, etc.);
- h. Soliciting or pressuring someone to sit on your knee;
- i. Stalking, invading someone's personal life; or
- j. revealing parts of your body in violation of common decency.

III.C. Visual Forms of Harassment – Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, notes, bulletins, drawings or pictures on the basis of race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, pregnancy, genetic information, sex, gender identity or expression, disability or atypical hereditary cellular or blood trait. This applies to both posted material and material maintained in or on department or fire district property, equipment/apparatus, computers, bulletin boards, volunteer stations, or personal property in the workplace. Cable TV shows and personal video tapes that contain offensive material shall not be viewed by fire district or department personnel while on duty. Visual forms of harassment include but are not limited to:

- a. Making gestures with hands or through body movements (sexual or non-sexual);
- b. Staring at someone, making rude gestures, mimicking a disability;
- c. Looking a person “up and down”;
- d. Posters, pictures or other printed forms of sexual or discriminatory subjects;
- e. making facial expressions such as throwing kisses, or licking lips; or
- f. Displaying offensive screen savers, emails, web pages and websites.

III. D. Sexual Harassment - Sexual harassment is generally considered to fall into one of two sub-groups: Quid Pro Quo harassment, and Hostile Work Harassment Environment Harassment. Sexual harassment will include any act which is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

QUID PRO QUO

Quid Pro Quo (something for something) harassment is defined as: Unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Quid Pro Quo harassment is committed by anyone who has supervisory authority over another. Examples of supervisors within the district and the department would include; Commissioners, Fire District Administrator, the Chief of the department, all other line officers. It is understood that any member not listed above may be granted temporary supervisory authority; and with such authority they too would be considered supervisors.

Where Quid Pro Quo harassment is suspected the victim need not show that there was a pattern of such behavior to bring forth an actionable complaint. A single occurrence constitutes a violation.

HOSTILE WORK ENVIRONMENT

Hostile Work Environment Harassment is a form of harassment that includes unwelcome sexual advances, requests for sexual favors or verbal, visual or physical conduct. Hostile Work Environment harassment may be committed by anyone in the fire district or in the department or by a vendor or anyone else doing business with the fire district and/or the department.

Hostile Work Environment Harassment may be a compilation of more subtle workplace behaviors such as: unnecessary touching or brushing against another, staring, verbal comments about a person's physical attributes, displaying sexual objects in the workplace, unwelcome sexual attention, sexual advances, request for sexual favors, and other verbal, visual or physical conduct of a sexual nature. Regardless of the form, the end result is an environment that is hostile, intimidating, and which unreasonably interferes with a member's ability to perform his or her job.

III.E. Disability Harassment – People with physical and mental disabilities are protected under the Americans with Disabilities Act. Forms of disability harassment include, but are not limited to:

- a. Taunting a person about their disability;
- b. Setting them up to fail;
- c. Using derogatory terms to address the person;
- d. Accusing them of exaggerating their disability;
- e. Putting false blame on them;
- f. Keeping them from using their aids;
- g. Making assumptions of or stereotyping what disabled people can or cannot do; or
- h. Manipulation.

III.F. Racial Harassment – Discrimination against any individual with respect to their compensation, terms, conditions or privileges of employment because of an individual's race or color. Forms of racial harassment include, but are not limited to:

- a. Telling racial jokes;
- b. Using racial slurs to address someone;
- c. Displaying offensive pictures or symbols; or
- d. Referring to someone in demeaning terms such as "Boy".

III.G. Religious, Ethnicity or Country of Origin Harassment – Harassing or otherwise discriminating because an individual is affiliated with a particular religious or ethnic group. Forms of religious, ethnic or country of origin harassment include but are not limited to:

- a. Harassing an individual because of the religious beliefs or ethnic background;
- b. Expressing disapproval of religion;
- c. Talking about religion in a negative way;
- d. Implying someone would be treated better if he or she shared the same faith as you;
- e. Harassing or otherwise discriminating because of physical, cultural, or linguistic characteristics, such as accent or dress associated with a particular religion, ethnicity, or country of origin; or
- f. Harassing or otherwise discriminating because of an individual's association with a person or organization of a particular religion or ethnicity.

III. H. Gender Based Harassment This form of harassment may or may not include elements of Quid

Pro Quo sexual harassment. Generally the purpose of gender-based harassment is to devalue or subordinate members of the opposite sex.

III. I. Third Party Sexual Harassment - Third party sexual harassment has many of the same elements of Quid Pro Quo, Hostile Work Environment, or Gender-based harassment. What makes this form different is that the victim may not be the intended target. Because the unintended victim is in the harassing environment, he or she is also victimized.

SECTION IV: HARASSMENT AND DISCRIMINATION FACTS

The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or non-employee.

Typically, questionable conduct must be unwelcome to be considered harassment. However, a number of forms of harassment by their nature will be presumed to be unwelcome and offensive. In addition, just because a person does not say anything or object, does not mean that he or she is welcoming the conduct.

An important element in recognizing harassment and discrimination is understanding the perspective of the victim toward the harasser and toward the conduct.

SECTION V: WORKPLACE RELATIONSHIP

A. It is natural for people who meet in the workplace to sometimes become romantically involved, and it is not the fire district's or department's intent to interfere with any dating relationship to the extent it does not interfere with business. Involvement between employees must be voluntary and desired by both parties. However, many problems have developed when relationships interfere with the goal of having a sound professional work environment. It is not inappropriate for a person to politely ask out a co-worker. However, if you do not want to go out with another employee, it is imperative that your response to the request is firm and definite. After this firm, definite response has been made, it is inappropriate for the requesting party to make any further attempt to initiate a dating relationship. Repeated requests for a dating relationship constitutes Sexual Harassment. It is also inappropriate for any relationship to interfere with normal work operations in any manner.

SECTION VI: EQUAL EMPLOYMENT OPPORTUNITY OFFICER

The Fire District shall appoint an Equal Employment Opportunity Officer (EEO Officer) to oversee all matters regarding harassment and discrimination. The EEO Officer shall be responsible for the following duties:

- a. Coordinating the investigation of all harassment and discrimination complaints;
- b. Recommending disciplinary action for offenses;
- c. Reviewing trends in sexual harassment and discrimination complaints in order to initiate training, policy and/or procedural changes to reduce further occurrences;
- d. Periodically reviewing this policy for revisions.

SECTION VII: TRAINING

As a means to prevent harassment or discrimination within the fire district and the department, all Commissioners, fire district employees and department members are required to complete comprehensive training programs on both Sexual Harassment in the Workplace and Cultural Diversity. Both programs are offered without cost and are offered on various dates throughout the year.

Substitutions are not permitted as the training addresses issues that are particular to the fire district and to the department. Attendees are guided through this policy as well as procedures for reporting complaints.

While the two blocks of instruction are considered single event training without annual or biannual refresher training, the fire district reserves the right to conduct such additional training as deemed necessary to maintain a work environment free of harassing or discriminatory behavior.

Commissioners and supervising officers may be required to participate in a special block of instruction relevant to receiving a complaint, investigating the complaint, and remedial action to be taken.

Failure to complete this training shall be considered a violation of this policy. Violations will result in appropriate disciplinary action up to and including termination of employment and/or removal from the department.

SECTION VIII: EMPLOYEE/MEMBER RESPONSIBILITIES

It is the responsibility of each and every fire district employee and department member to know and follow this policy. It is imperative that each employee and member treat every other employee and member with dignity and respect so as to facilitate a sound professional work environment.

Employees and members are obligated to report instances of harassment or discrimination and to cooperate in an investigation of harassment and discrimination, including, but not limited to, coming forward with evidence both favorable and unfavorable to a person accused of harassment or discrimination. Employees and members are also obligated to refrain from filing both faith complaints of harassment and discrimination.

Any Fire District employee or Fire Department member believing that he or she is the victim of either harassing behavior or discriminatory practices, or any member who witnesses or has first-hand knowledge of such behavior or practices is urged to promptly report the behavior or practices.

Where possible, the aggrieved member should report the incident(s) to his or her supervisor. The list that follows may be used as a guide.

WHEN THE INCIDENT INVOLVES:	FILE A COMPLAINT WITH:
Activities within the Fire District Office	The Chairperson of the Board of Fire Commissioners or District Administrator his/her Designee
Activities within the station or a company president.	The Department Chief or his/her designee
Activities on the fire or drill Ground or during fire related Activities, committed by anyone	The Department Chief or his/her designee
A Battalion Chief	The Department Chief or his/her designee
A member of the career or administrative office excluding the department chief	The Department Chief or District Administrator or his/her designee
The Department Chief	EEO Officer
A Fire District Commissioner	EEO Officer
The Department's EEO/Officer	The Chairperson of the Board of Fire Commissioners or District Administrator or his/her designee

NOTE: The above is a guide. Employees and members are assured that their complaint will be handled as detailed in this policy regardless of who receives the complaint.

Once a complaint is filed, all fire district employees and department members are expected to fully cooperate with the ensuing investigation. Failure to do so shall be considered a violation of this policy. Violators are subject to disciplinary action up to and including dismissal from employment and removal from the department.

SECTION IX: SUPERVISOR AND ADMINISTRATIVE RESPONSIBILITIES

It is the duty of any member in either a supervisory or managerial position to:

- a. Ensure that any violation of this policy brought to their attention is dealt with fairly, quickly and impartially;
- b. Set the proper example at all times;
- c. Encourage employees and members to report all complaints of harassment and discrimination;

- d. Continually strive to maintain a work environment that is free from both harassment and discriminatory practices;
- e. Take all complaints of harassment and discrimination seriously;
- f. Upon receiving a complaint of harassment and/or discrimination, take necessary action to stop the harassment and/or discriminatory behavior. While the methods of accomplishing this will vary, no method may be selected that when initiated, has the effect of either punishing or further victimizing the complainant.
- g. Upon receipt of a complaint of harassment and/or discrimination, starting the investigative process without delay.

Upon receiving a complaint of harassment and/or discrimination, any member in either a supervisory or managerial position shall:

- 1. Advise the complainant that the fire district and department take allegations of harassment or discrimination very seriously and an investigation will be conducted.
- 2. Not promise complainant confidentiality. Advise the complainant that the complaint must be investigated and that the information must be shared to conduct the investigation. However, the information will only be shared with those individuals that have a need to know.
- 3. Assure the complainant that no retaliation for lodging the complaint will be tolerated and that such conduct should be reported immediately.
- 4. Provide the complainant with a contact person and phone number (EEO Officer) should they have any questions or concerns.
- 5. Ask the complainant whether there are any interim measures that should be taken pending the outcome of the investigation.
- 6. Ask the complainant how they would like to see the situation resolved? What remedy are they seeking? (just wants to be left alone, etc.)

SECTION X: TAKING THE COMPLAINT

The supervisor receiving the complaint shall first meet with the complainant privately whenever possible, to gather the facts of the complaint. All information should be in writing. All written complaints shall include: complainant's name, station name, name (s) of the accused, date and time the report was taken, narrative of the complaint, and the name of any witness present at the time the initial complaint was taken. In the event that the supervising authority prepares the complaint, that fact shall be noted, and a statement stating that the complaining party agrees with the wording shall be noted. A copy of the initial complaint shall be given to the complainant.

The supervisor and/or complainant should be prepared to provide the following information:

- a. Exactly what happened?
- b. When did it happen?
- c. Where did it happen?
- d. Who did what?
- e. Who was present? (witness) Is there anyone who may have heard or saw something?
- f. Who else may have relevant information? (Did they tell anyone?)
- g. Is this a single isolated incident, or has it happened before?
- h. If it has happened before, when and was it reported? If reported to whom? What actions were taken?

RECORDING DEVICES:

The use of a recording device is discouraged. However, in the event that it is advantageous to record the interview, the interviewer shall first obtain permission from the party to be interviewed. If the interview is to be recorded, the day, time, names of persons present, and a statement that this recording is being made with full knowledge and consent shall follow. The complainant shall acknowledge same on tape.

ABSENTEE COMPLAINTS

For the purpose of this policy, an "absentee complaint" is a complaint made without the benefit of having the complainant present. Examples include: complaints made by telephone, electronic mail, regular mail, or through a friend.

Whenever an absentee complaint is received, the receiver shall advise that a face-to-face meeting must be held. Every effort should be taken to set up the meeting at the convenience of the complaining member.

The complainant shall be advised as to how the complaint will be processed and that they can expect to hear from the proper authority within a reasonable time.

COMPLAINTS INITIATED BY A MINOR

Due to the special circumstances involved when a minor is either the victim or the accused, the supervising authority must act swiftly. The parents or guardians of the minor shall be notified and encouraged to participate with their child during each step of the process.

In all cases involving a minor, the supervisor shall immediately notify the appropriate fire district and/or department personnel, including: EEO Officer/Human Resource Officer, the Chief of the Department, Fire District Administrator and the Chairperson of the Board of Fire Commissioners.

SECTION XI: PROCESSING THE COMPLAINT

Following the initial interview and preparation of a written complaint, the supervisor shall take action so as to stop the harassing and/or discriminatory practice. As previously noted, no action that further victimizes or punishes the victim is permitted.

The initiating supervisor shall first attempt to notify the EEO Officer/Human Resource Officer (see attachment A for contact information), who will review actions taken and initiate the investigation. In the event that EEO Officer/Human Resource Officer is not available, the supervisor should reach out to the Fire District Administrator, Chairperson of the Board of Fire Commissioners or the Department chief.

SECTION XII: CONFIDENTIALITY

All complaints and investigations shall be conducted in a professional manner. To the maximum extent possible, the confidentiality and particulars of the incident shall be maintained.

It is understood that to effectively investigate any complaint it may be necessary to disclose certain information to those who have a legitimate need to know. Individuals having involvement in the investigation shall be instructed not to discuss any aspect of the ensuing investigation with others. Failure to comply with this directive shall be considered a serious violation of this policy and will result in appropriate disciplinary action up to and including termination of employment and removal from the department.

SECTION XIII: RESOLUTION TO A COMPLAINT

Following a thorough investigation, the investigating official shall draft a report of the findings. Copies of the report shall be given to: the complainant, the accused, Human Resource Officer or, the Department's EEO officer, parents, or guardians of any minor directly involved as either the complainant or accused, the Chief of the Department, Fire District Administrator and the Chairperson of the Board of Fire Commissioners. A copy of the report shall be placed in the personnel file of the complainant and the accused.

Any recommendation for disciplinary action shall be forwarded to the Chief of the Department Fire District Administrator, and the Board of Fire Commissioners for review and implementation. The Board and the Chief of the Department maintain sole responsibility for the carrying out of any disciplinary action. Their decision shall be considered as final.

SECTION XIV: EXTERNAL AGENCIES

Members are urged to follow the procedures as outlined within this policy to report a complaint of harassment or discrimination, however nothing contained herein shall preclude an employee or member from utilizing an outside agency for this purpose. See attachment B for a complete listing and requirements for filing.

SECTION XV: RETALIATION

No fire district employee or department member shall be subject to adverse treatment for imitating a complaint in good faith. Any employee or member found guilty of taking such action against another member shall be in violation of this policy and will be subject to appropriate disciplinary action up to and including termination of employment and removal from the department.

SECTION XVI: FALSE ACCUSATIONS OR FALSE INFORMATION

It is expected that all complaints will be made in good faith meaning that the victim or witness believes that their complaint is legitimate. Any member who knowingly and intentionally brings forth a false claim or provides false information shall be considered in violation of this policy.

Such violations will result in appropriate disciplinary action up to and including termination of employment and removal from the Department.

ATTACHMENT A: EXTERNAL AGENCIES AND FILING INFORMATION

The time frames for filing complaints of either discrimination or harassment are for informational purposes only. The complainant is encouraged to contact the agency for specific instructions and time restrictions.

NOTE: Unless otherwise noted the deadline for filing complaints with external agencies runs from the last date of the unlawful act, not from the date that the internal review is deemed complete and resolved.

AGENCIES FOR FILING COMPLAINTS

NJ Division of Civil Rights
NJ Department of Law & Public Safety
(180 day filing deadline for violations of state law)

Closest office: Camden Regional Office
2 Riverside Drive, Suite 402
Camden, NJ 08103
856-614-2550

United States Equal Employment Opportunity Commission (EEOC)
Philadelphia District Officer
Suite 400
21 S. Fifth Street
Philadelphia, PA 19106-2515
215-444-2600

ATTACHMENT B: CONTACT INFORMATION

Robert V. Hill Sr., EEO Officer/Human Resource Officer
535 Hemlock Terrace
Deptford, NJ 08096
Home Phone No. 856-384-8240
Office Phone No. 856-423-4127

Board of Westville Fire District No.1
Attn; Chairperson
23 West Olive Street
Westville, NJ 08093
856-456-9432

Fire District Administrator
23 West Olive Street
Westville, NJ 08093
856-456-9432