

SCOTTS VALLEY FIRE PROTECTION DISTRICT		
STANDARD OPERATING PROCEDURES	ARTICLE: I	SOP: 1113
	SECTION: 1100	PERSONNEL
	SUBJECT: SEXUAL HARASSMENT	

Purpose: To provide a definition of harassment and a mechanism for personnel who are harassed or witness harassment to report the incident.

Scope: Harassment based on race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex, or age will not be tolerated. This will apply to all district personnel.

Definitions:

Harassment:

- Physical Harassment: Assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual. Unnecessary touching, patting, pinching, rubbing, or kissing.
- Sex Based Harassment: Harassing an employee because of his or her gender.
- Sexual Harassment: Any unwanted verbal or physical advance, sexually explicit or derogatory statement, or sexually discriminatory remark made by someone in the workplace, which is offensive or objectionable to the recipient or which causes the recipient discomfort or humiliation or which interferes with the recipient's job performance.
- Verbal Harassment: Epithets, derogatory comments, or slurs on the basis of race, physical handicap, medical condition, marital status, sex, or age.
- Visual Forms of Harassment: Examples include posters, magazines, calendars, cartoon or caricatures.

Examples of Sexually Harassing Behavior

- Visual harassment, such as posters, magazines, calendars, cartoons or caricatures.
- Verbal harassment, such as repeated requests for dates, lewd comments, sexually explicit jokes, or whistling.

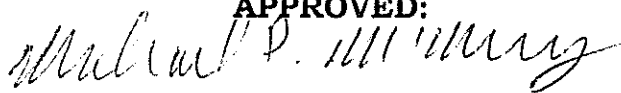
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- Written harassment, such as love letters, poems, or graffiti.
- Non-verbal harassment, such as obscene or suggestive gestures or motions.
- Subtle pressure for sexual activities.
- Unnecessary touching, patting, pinching, rubbing or kissing.
- Frequent, intentional brushing up against another person's body.
- Promise of a promotion, a favorable performance evaluation or career advancement opportunities in return for sexual favors.
- Demand of sexual favors accompanied by implied or overt threats regarding such matters as termination, negative job evaluations, denial of job benefits or opportunities.
- Physical assaults or attempted assaults of a sexual nature or for a sexual purpose.

Prevention of Sexual Harassment

- Conduct yourself in a business-like manner at all times.
- Know the district's policy on sexual harassment.
- Be aware of your attitudes regarding the opposite sex in general and sexual harassment in particular.
- Do not assume that sexually explicit jokes, cartoons or pictures, "friendly" gestures, etc. are harmless or inoffensive.
- Refrain from making jokes at the expense of others and from seeking to embarrass, humiliate, offend, or threaten others.
- Carefully consider whether or not personal comments or questions are appropriate to the relationship and/or the workplace before speaking.
- Do not "go along with the crowd", or as an individual, accept the inappropriate behavior of others.
- Be supportive of people who are being harassed or who have been sexually harassed.
- Do not hesitate to seek help in preventing or remedying a situation of sexual harassment.
- Weigh your options in dealing with sexual harassment carefully, since such obvious "fixes" as remaining silent, transferring or resigning are rarely the best solution.

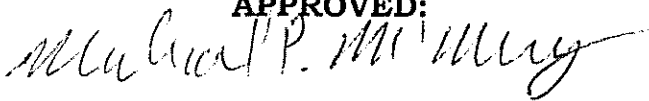
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- Immediately stop any behavior that you believe, even as a remote possibility, might be interpreted as sexual harassment.
- Consider whether you would object to having your remarks recorded or your actions videotaped and later played back to your spouse, parents, friends or acquaintances. If you would have a real problem with such an arrangement, reconsider the appropriateness of your workplace behavior.

Procedure:

1. An employee who feels he or she has been the victim of harassment should contact his/her supervisor at the earliest opportunity following the incident. If the supervisor is the suspect party, the employee should contact the supervisor in the next level of the chain of command.
2. The district will handle all allegations of sexual harassment in a lawful manner to ensure that any such conduct does not continue. As a matter of routine, the district will investigate all complaints of sexual harassment. Such investigations will be conducted as discreetly and as confidentially as circumstances allow.
3. The district will not permit any person to be adversely affected in employment with the district as a result of his/her having brought a complaint of sexual harassment so long as such complaint was in good faith.
4. The supervisor shall conduct an investigation into the facts of the case and document them accordingly. A report on the incident shall be forwarded to the fire chief through the chain of command.
5. The fire chief will make findings based on the facts of the case as presented or may request additional investigation be performed. Further action will be based on the factual findings of the investigation.

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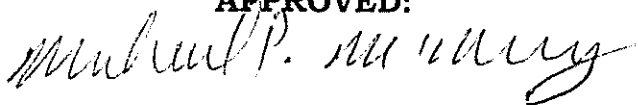
6. Harassment Complaints

A. Special Considerations

- 1) The recipient of harassment usually feels embarrassment and is reluctant to discuss his/her complaint with someone who is the same gender as the harasser.
- 2) The recipient will seldom state that he/she has been harassed. Instead, the person may request some change in his/her work environment or make a vague reference to feeling uncomfortable around a co-worker or someone in the organization.
- 3) In most harassment situations, the recipient is satisfied if the harassment stops.
- 4) There is no stereotypical recipient of harassment.
- 5) When you learn the identity of the alleged harasser, do not respond with "He/She wouldn't do that", "You must have misunderstood", or "That's how he/she is".
- 6) Do not ask any questions or make any statements that imply that the complainant somehow caused the harassment to occur.

B. When Receiving a Complaint

- 1) Listen non-judgmentally and be patient.
- 2) Acknowledge and reflect back to the employee his/her feelings.
- 3) If you are uncomfortable, embarrassed, or find it difficult to talk about the harassment situation, tell the employee. Emphasize that you are concerned about the employee's situation and that you want to help resolve it.
- 4) Determine the specifics of the harassment situation by asking these types of questions (they are not intended to be inclusive):
 - a) "What did he/she do that was unwelcome?"
 - b) "Please give me specific examples of how/what the person did."
 - c) "What did you do when he/she said that?"
 - d) "How did you feel about what he/she did?"
 - e) "Did you tell him/her that his/her behavior was unwelcome?"

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- f) "Did anyone else see what happened?"
- g) "Do you have any evidence or documentation (i.e., unwelcome notes, cards, gifts)?"
- h) "Has this behavior occurred before? Please explain."
- i) "When and where did the harassment occur?"

NOTE: *If the employee is uncomfortable telling you of the situation, ask "Would you rather talk to someone else?". If the employee is embarrassed to tell you exactly what happened, have him/her write it down. It is important that you know specifically what the alleged harassing behavior was.*

C. Supervisor Responsibilities

- 1) Consult with your supervisor.
- 2) Document each step of the process.
- 3) If you require assistance, go to your supervising officer.
- 4) Do fact-finding/counseling with the alleged harasser first, then with witnesses or others if necessary.
- 5) Follow-up with the complainant.
- 6) Monitor the work environment to assure that the harassment has stopped and that no reprisal action is taken against the complainant.
- 7) Let the complainant know of what additional resources are available (professional counseling, etc.).
- 8) Try to maintain confidentiality, but explain that you cannot guarantee his/her name will not be disclosed.

7. Talking with the Alleged Harasser

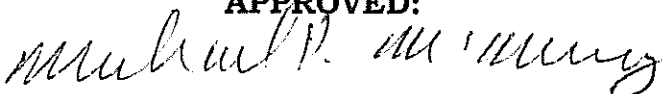
A. Important Considerations:

- 1) There are no stereotypical harassers. Harassers can be: good family people; have put their kids through college; been dependable employees for 20 plus years; are attractive; short or tall, thin or heavy; executive or new employees; quiet or outgoing; rough looking or neat; wear a hard hat or tie; and range from young to senior citizen.

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- 2) A harassment situation very seldom resolves itself.
- 3) Once you have knowledge that a harassment situation is occurring, you have a responsibility to take "appropriate corrective action".
- 4) It is important to be unbiased when resolving a harassment situation.
- 5) Talk with the alleged harasser privately and be direct about the purpose of your meeting.
- 6) Tell the employee that you have received a complaint concerning his or her behavior. Explain that this is only an allegation and that you want to hear his or her side of the story.
- 7) Explain what the allegation(s) is(are) and ask, "Did you do that behavior?" Discuss each allegation separately and determine if the person did or did not do that behavior.
- 8) Document *everything*.

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