

	<b>UNIFIED FIRE AUTHORITY</b> <b>ORGANIZATIONAL POLICY MANUAL</b>	
	Affiliation: Human Resources Division	
	Title: <b>Harassment, Sexual Harassment, Discrimination, and Retaliation</b>	
	Number: <b>900 – 410</b>	
	Approved: 1/27/2022	By: Fire Chief Dan Peterson
	Last Reviewed: 11/2/2023	By: Kiley Day

## REFERENCES:

[UFA Policy and Procedure – Discipline](#)

[UFA Policy and Procedure – Grievances and Appeals](#)

[UFA Policy and Procedure – Professional Standards, Investigations, and Complaints](#)

[U.S. Equal Employment Opportunity Commission](#)

[Utah Antidiscrimination Act](#)

## DEFINITIONS:

**Discrimination:** Any adverse employment action taken based upon an employee, applicant, or volunteer's race, color, national origin, religion, age, disability, genetic information, gender, gender identity, pregnancy, sexual orientation, marital status and military or veteran status. Sexual harassment is a form of discrimination and will not be tolerated.

**Harassment:** Any unwelcome or unsolicited derogatory terms, comments, jokes, innuendos, other verbal, visual or physical conduct based upon race, color, national origin, religion, age, disability, genetic information, gender, gender identity, pregnancy, sexual orientation, marital status and military or veteran status that unreasonable interferes with an employee's working conditions.

**Retaliation:** An adverse employment action taken or credible threat of an adverse employment action against an employee, volunteer, or applicant as a result of participating in a protected activity if there is a causal connection between the threatened or adverse employment action and the protected activity. Retaliation can include a wide variety of conduct intended to restrain or has the effect of restraining employees from participating in protected activities. For example, being fired or demoted, a reduction in pay, denying training opportunities, etc.

**Sexual Harassment:** Is unwelcome conduct of a sexual nature that is persistent or offensive and interferes with an employee's job performance or creates an intimidating, hostile or offensive work environment. Sexual harassment is defined by the federal Equal Employment Opportunity Commission (EEOC) as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect

of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

**PURPOSE:**

The purpose of this policy is to define harassment, discrimination, retaliation, and workplace sexual harassment and to guide employees in the procedures for filing complaints, investigating claims, and issuing appropriate disciplinary measures in the case of a violation.

**POLICY:**

1.0 UFA does not tolerate discrimination, harassment, sexual harassment, or retaliation even if it does not rise to the legal definition of these terms.

2.0 Sexual harassment can be physical and psychological in nature. An aggregation of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

2.1 Examples of prohibited conduct

Though sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct includes but is not limited to the following:

2.1.1 Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults, and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.

2.1.2 Unwelcome sexual advances, propositions, or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience.

2.1.3 Preferential treatment or promises 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.

2.1.4 Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.

2.1.5 Sexual or discriminatory displays or publications anywhere in UFA's workplace by the UFA employees.

2.1.6 Retaliation for sexual harassment complaints.

3.0 Responding to Conduct in Violation of this Policy

**Employees**

- 3.1 If an employee feels that they are being subjected to harassment, sexual harassment, discrimination, or retaliation, they may immediately inform the violator that the conduct is unwelcome and needs to stop. If the inappropriate conduct does not cease, or if the employee is unable to or uncomfortable with addressing the alleged violator directly, they should report the incident to any supervisor in their chain of command, the Human Resources Director, the attorney for the UFA, the Fire Chief, any member of the Administrative Professional Standards Group, or any UFA Board member. It is helpful, but not required, to provide a written record of the date, time and nature of the incident(s) and the names of any witnesses.
  - 3.1.1 It is important to report all concerns of inappropriate conduct to a supervisor or the Human Resources Director as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

### **Division Leaders and Supervisors**

- 3.2 Division leaders and supervisors must deal expeditiously and fairly when they have any knowledge of harassment, sexual harassment, discrimination, or retaliation, whether or not there has been a written or formal complaint. They must:
  - 3.2.1 Take all complaints or concerns of alleged or possible violations seriously, no matter how minor or who is involved.
  - 3.2.2 Report all incidents to the Human Resources Director immediately so that a prompt investigation will occur and notify a supervisor, or the next person in the chain of command if the direct supervisor is involved.
  - 3.2.3 Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.
  - 3.2.4 Division leaders and supervisors who knowingly allow or tolerate harassment, sexual harassment, discrimination, or retaliation, including the failure to immediately report such misconduct to Human Resources, are in violation of this policy and subject to discipline.

### **Human Resources**

- 3.3 The Human Resources Director is responsible for:
  - 3.3.1 Ensuring that both the individual filing the complaint (complainant) and the accused individual (respondent) are aware of the seriousness of the complaint.
  - 3.3.2 Explaining UFA's investigation procedures as described in UFA Policy and Procedure - Professional Standards and Ethics, *Allegations of Misconduct*, to all parties involved.

3.3.3 Exploring informal means of resolving complaints.

3.3.4 The Human Resources Director will route the complaint to the Administrative Professional Standards group where they will determine if an in-house investigation will be conducted or if a third party will be contracted to complete the investigation. All complaints involving senior management at the Section Chief level or above will be reported to the Board and may be handled by an external third party.

3.3.5 Notifying the complainant and the respondent of the corrective actions to be taken, if any, and administering those actions.

3.3.6 Notifying the police if criminal activities are alleged.

#### 4.0 Complaint Resolution Procedures

4.1 Complaints should be submitted in accordance with UFA Policy and Procedure – Professional Standards and Ethics and as soon as possible after an incident has occurred, preferably in writing. The Human Resources Director may assist the complainant in completing a written statement or, in the event an employee refuses to provide information in writing, the Human Resources Director will dictate the verbal complaint.

4.2 To ensure the prompt and thorough investigation of a complaint, the complainant should provide as much of the following information as is possible:

4.2.1 The name, division and position of the person or persons allegedly committing the conduct.

4.2.2 A description of the incident(s), including the date(s), location(s), and the presence of any witnesses.

4.2.3 The effect of the incident(s) on the complainant's ability to perform their job, or on other terms or conditions of their employment.

4.2.4 The names of other individuals who might have been subject to the same or similar conduct.

4.2.5 What, if any, steps the complainant has taken to try to stop the conduct.

4.2.6 Any other information the complainant believes to be relevant to the complaint.

5.0 All employees, regardless of merit status, have the right to file a grievance/appeal on matters related to harassment, sexual harassment, or discrimination, and may do so without fear of retaliation.

6.0 Any employee who believes he or she has been subjected to any act of retaliation for filing a grievance or appeal, or any employee who believes he or she has been harassed or retaliated against for having opposed a discriminatory practice, will have the right to

file a complaint. This complaint must be filed separately and will be initiated at the next supervisory level not involved in the alleged retaliation. The line of appeal will proceed as outlined in UFA Policy and Procedure – Grievances and Appeals.

- 7.0 Employees reporting misconduct, including harassment, sexual harassment, or discrimination, are protected against retaliation.
- 8.0 Violation of this policy may result in discipline up to and including termination.

New policy dated: January 27, 2022

Replaces policy Harassment, Discrimination, and Reprisals policy dated August 19, 2015,  
and Sexual Harassment Policy dated July 1, 2004