



SENECA COUNTY

Emergency Services



Standard Administrative Guideline

Subject: Discriminatory/Sexual Harassment

Reference Number: 24

Effective Date: 9/08

Review Date: Review Annually, 2-2020

Purpose:

The purpose of this policy is to set forth a guideline to ensure that Seneca County EMS remains free from all forms of discriminatory or sexual harassment.

Background:

Seneca County Emergency Medical Services believes that a clearly written sexual harassment policy will prevent misunderstandings in these matters. Certain basic principles, as set forth below, must consistently be applied in order to effectively and fairly correct unsatisfactory performance and behavior:

Statement of Policy:

It is the policy of Seneca County EMS to maintain an environment free from all forms of discrimination, including gender based discrimination due to sexual harassment. In order to maintain this environment, discriminatory harassment, whether committed by supervisors, co-workers, or members of the public, is strictly prohibited.

A. Definition:

Discriminatory harassment is any type of harassing conduct that is based upon a member's race, color, sex, national origin, age, religion, disability, or protected activity. Sexual harassment, which is a form of sex discrimination, includes but is not limited to the following:

1. Repeated unwanted and/or offensive sexual flirtations, advances, or propositions;
2. Repeated verbal abuse of a sexual nature;
3. Graphic or degrading verbal or written comments about an individual, the individual's appearance, or the individual's sexual orientation;

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4. The display of sexually suggestive objects, pictures, or the display of same through other media;
5. The implication or threat that a members or applicants position within the department, assignment, compensation, advancement, career development, or other condition of continued service will depend on the member's or applicants submission to sexual harassment in any form; and
6. Any offensive, abusive, or unwanted physical contact.

B. Responsibility

1. It is the responsibility of all members of Seneca County EMS to aid the EMS office in maintaining a work environment free from discrimination, including sexual harassment. Therefore, it is the responsibility of each member, including supervisors, coordinators, and management, to immediately report any instances of discriminatory harassment to the proper authority (see reporting procedure below). Any member, who observes any conduct that may constitute harassment of another member, but fails to report same, may be subject to disciplinary action. Moreover, any member who receives a complaint alleging conduct which may constitute harassment of any member, but fails to report same, may be subject to disciplinary action.
2. It is further the responsibility of each supervisor, coordinator, or officer, to ensure that all members who report to them are aware of the policy against discriminatory harassment, and that they are aware of the reporting procedures, and the consequences of engaging in discriminatory harassment.
3. It is the responsibility of management to maintain an environment free from discriminatory harassment. Management shall ensure that its supervisors are sufficiently trained in recognizing discriminatory harassment, the complaint and reporting procedures, the proper methods of investigating complaints of discriminatory harassment, and the disciplinary procedure regarding discriminatory harassment.
4. Management shall also ensure that all members are aware of this policy and will ensure that all members receive sufficient training to maintain an environment free from discriminatory harassment. Additionally, each newly hired member will receive training in this policy as a part of their new member orientation.

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C. Procedure

1. Once a complaint of discriminatory harassment has been received, or an instance of discriminatory harassment has been reported, the complaint shall be immediately forwarded to the appointing authority for investigation (see reporting procedure below). The appointing authority

shall then immediately investigate the matter in accordance with the investigation procedure. The complaining member and/or reporting member will be informed of the results of the investigation

2. If, after a thorough and prompt investigation, it is determined that discriminatory harassment has occurred, the member who has been found to have committed discriminatory harassment will immediately be disciplined in accordance with the disciplinary procedure for discriminatory harassment. The complaining and/or reporting member(s) will be informed of the disciplinary procedure.

3. If, after the investigation, it is determined that no discriminatory harassment occurred, or that there is insufficient evidence to determine whether or not discriminatory harassment occurred, the complaining member and/or reporting employee will be informed of same.

4. The appointing authority will make every effort to keep the complaint confidential, except as required by law and as may be reasonably necessary to successfully complete the investigation.

5. The appointing authority will protect, as much as possible, employees involved as part of the investigation, from retaliation.

D. Complaint Procedure

1. Any member who believes that he or she has been the subject of or witness to discriminatory harassment or unlawful discrimination should report the alleged act(s) to his/her immediate supervisor.

If there is no one in the office or department to which the employee can report the alleged acts (for example, the immediate supervisor, member or management, is the subject of the complaint). The employee should report directly to the County Commissioners. If the County Commissioner(s) is the subject of the complaint, the member should report the matter to the county prosecutor.

2. The employee alleging discriminatory harassment or unlawful discrimination shall complete a written complaint form provided for that purpose. The employee should provide:

- (A) The members name
- (B) The name of the subject of the complaint

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- (C) The incident complained of
- (D) The date(s) of the incident
- (E) Any witnesses to the alleged incident
- (F) The resolution the member is seeking

3. If the member is alleging discriminatory harassment and/or discrimination is unwilling to complete the complaint, the matter should be addressed under the “duty to report” section and the form completed by the person to whom the verbal complaint was made

4. This form should be completed by the member as soon as possible, and no later than 2 days after the date the alleged harassment occurred.

E. Investigation

1. After the complaint has been completed, the complaint will promptly be investigated by the members appointing authority. If the appointing authority is the subject of the complaint, the investigation shall be conducted by the prosecutor’s office.

2. If the investigation reveals that the complaint is valid, prompt action will be taken to end the harassment and/or discrimination immediately.

3. Any member who is found, after appropriate investigation, to have engaged in discriminatory harassment or unlawful discrimination or another member or a citizen of the public shall be subject to disciplinary action, up to and including termination.

F. Disciplinary Procedure

When it is determined that there is cause for believing that discriminatory harassment and/or unlawful discrimination has occurred, the following steps shall be followed.

1. The charged party will be immediately placed on suspension pending final resolution of the complaint.

2. If the charged party requests it, a meeting will be held during which the charge will be explained to the charged party, and the charged party will be given the opportunity to respond to the charge.

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3. Subsequent to the meeting a final determination will be made. If it is determined that a prima facie case of discriminatory harassment and/or unlawful discrimination has been established, the charged employee will be verbally notified and may be given an opportunity to resign.
4. If the member elects resignation, the member, must sign an agreement waiving any and all claims, before any agency, board, court, or other reviewing authority, arising from the members service.
5. If the member decline resignation, a notice of pre-disciplinary conference will be issued.

Any member who is found after appropriate investigation, to have intentionally and maliciously filed a false claim of discriminatory harassment and/or unlawful discrimination of another member or member of the public shall be subject to disciplinary action, up to and including termination.

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