


1000.10	Sexual Harassment and Discrimination Standard Operating Procedure	
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This procedure is for internal use only and does not enlarge an employee’s civil liability in any way. The procedure should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this procedure, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.

Related Policies: County of Hawaii Anti-Discrimination and Harassment Policy, Class “E” Rules-ADM 3.11, Anti-Discrimination and Harassment Policy-ADM 3.14
Applicable HI Statutes: HRS 711-1106

I. PURPOSE

The purpose of this policy is to prohibit sexual harassment and discrimination within the Hawai’i Fire Department. The policy also provides for the reporting and department response to sexual harassment or discrimination.
This policy is intended to be complimentary to and consistent with the County of Hawaii Anti-Discrimination and Harassment Policy.

II. APPLICABILITY

This Policy applies to all Hawaii Fire Department Personnel.
This Policy applies to all terms and conditions of employment, including, but not limited to hiring, promotion, disciplinary action, layoff, reinstatement, leave of absence, compensation and training.

III. POLICY

Sexual harassment and sexual discrimination shall not be tolerated by this department. All officers are required to take pro-active steps to prevent sexual harassment or sexual discrimination in any form, and to take prompt corrective action should such harassment and/or discrimination occur. The department shall provide employees with a mechanism for reporting and resolving allegations of sexual harassment and discrimination.

Because of the tremendous importance of having a workplace free from harassment, **this policy shall be reviewed by each supervisor with his or her personnel on an annual basis during the month of January.**

Additionally, during each employee’s annual performance evaluation, supervisors shall discuss this policy with each employee to ensure that its contents are known and understood by the employee.

All allegations of Sexual Harassment and Discrimination shall be thoroughly investigated and resolved in accordance with the County of Hawaii Anti-Discrimination and Harassment Policy, Class “E” Rules-ADM 3.11, Anti-Discrimination and Harassment Policy-ADM 3.14, and applicable provision of the Collective Bargaining Unit Contract.

IV. DEFINITION

- Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct when:

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- 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 work environment.
2. **Two Types of Sexual Harassment:**
- a. Quid Pro Quo – occurs when:
 - i. employment, benefits, promotion, salary increases, overtime, assignments, performance expectations, and other conditions of employment are made contingent on the provision of sexual favors, or
 - ii. the rejection of a sexual advance or request for sexual favors results in a tangible employment detriment, such as the loss of employment, benefits, promotion, salary increases, overtime, assignments, performance expectations, and other conditions of employment
 - b. Hostile Work Environment – occurs when:
 - i. An employee is confronted with a hostile or abusive work environment involving sexually explicit language, photos, or conduct that is severe and pervasive, which has the purpose or effect of unreasonably interfering with the individual's work performance or creates an intimidating, hostile, or offensive work environment.
3. **Sexual Harassment Progression:** The following are examples of behavior that may constitute sexual harassment:
- a. Non-Physical:
 - i. Repeated sexual innuendoes or sexually oriented comments
 - ii. Obscene remarks, jokes, slurs, or language related to sex or of a sexual nature
 - iii. Letters, notes, faxes, e-mail, or graffiti that is of a sexual nature or is sexually abusive
 - iv. Sexually oriented demeaning names
 - v. Persistent unwanted sexual or romantic requests, overtures or attention
4. **Hazing:** Ritualized harassment, abuse or humiliation used as a way of initiating a person into a group.
5. **Prank:** A mischievous trick or practical joke