

BURLINGTON TWP. FIRE DEPARTMENT

STANDARD OPERATING GUIDELINE #25

SEXUAL HARASSMENT AND UNWANTED CONDUCT

Purpose: As members of the Burlington Twp. Fire Department, we are entrusted by the people we serve to provide a high level of professionalism in everything we do. Therefore, it is imperative that all personnel maintain high levels of professionalism and appropriately conduct themselves under the law and Michigan's Elliott-Larsen Civil Rights Act (MCL 37.2101 et seq.). Consequently, all allegations of sexual harassment or unwanted conduct by any personnel shall be investigated and a discipline determination shall be rendered in as confidential a manner as possible.

Scope: The Burlington Twp. Fire Department sexual harassment and unwanted conduct policy is to ensure a work environment free of sexual harassment and other unwanted conduct, both on and off duty. This policy may be modified from time to time to ensure its purposes are met.

Covered Personnel: All Burlington Twp. Fire Department personnel, regardless of position, certification, or qualifications, are covered by this policy.

Enforcement: The Fire Chief and Fire Officers shall have full responsibility and authority to enforce this policy.

Prohibited Conduct:

1. It shall be the policy of this department that as employees you have the right to expect a working environment free of unwelcome sexual advances, requests for sexual favors, communication of a sexual nature, and other unwanted verbal or physical conduct.
2. Sexual harassment falls within two general categories:
 - a. Quid pro quo harassment occurs when a supervisor's request for sexual favors or other sexual conduct results in a tangible job action.
 - b. Hostile work environment occurs when an employee is subjected to unwelcome physical or verbal conduct of a sexual nature that is so severe or pervasive as to alter the employee's working conditions or create an abusive work environment.
 - c. Retaliation for reporting or participating in an investigation is strictly prohibited and grounds for discipline.
3. The following are examples of sexual harassment and other unwanted conduct:
 - a. Sexual conduct or communication is made that expresses or implies that compliance is a condition of employment.
 - b. Submission to or rejection of sexual conduct or communication is used as a basis of or factor in decisions affecting the employment of any personnel.

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- c. Sexual conduct or communication has the purpose or effect of interfering with an employee's duty assignment or work performance or creating an intimidating, hostile, or offensive environment.

Investigation and Determination:

1. A citizen or another member may make a complaint against a member of the Burlington Twp. Fire Department to any member whether verbally or in writing. A citizen or member shall be encouraged to make a complaint using the Burlington Twp. Fire Department complaint form (attachment 1) to ensure uniformity. A member shall not refuse to take a complaint from a citizen who declines to utilize the form. At a minimum, the member taking the complaint shall attempt to obtain the complainant's name and contact information for follow-up investigation. The member taking the complaint shall record all available information on the Burlington Twp. Fire Department complaint form and immediately notify a Fire Officer of the complaint.
2. The notified Fire Officer shall immediately notify the Fire Chief of the complaint and seek guidance as to the investigation of the alleged violation. Complaints may also be made verbally or in writing to the Township Supervisor to avoid conflicts within the Burlington Twp. Fire Department chain of command.
3. Any member of the Burlington Twp. Fire Department can be suspended by a Fire Officer, at any time. Fire Officers shall consider all available information and utilize cautionary discretion when deciding to suspend a member of the department. The Fire Chief shall be notified of any suspension imposed by a Fire Officer as soon as possible. The Fire Chief shall review the available information and make a determination of the suspension within twenty-four (24) hours. The Fire Chief may sustain, modify, or cancel the suspension.
4. Charges (prohibited conduct) must be selected by the Fire Officer in writing and referred to the Fire Chief within twenty-four (24) hours of observing the violation or concluding the investigation of the alleged violation. All charges must be acted upon by the Fire Chief within ten (10) business days of receiving the charges from the Fire Officer.
5. Any charge against a member shall be investigated, and a conclusion of fact will be reached by a formal hearing board, which will be as follows:
 - a. Proper conduct- The conduct occurred and was appropriate for the given conditions and circumstances.
 - b. Improper conduct- The conduct occurred and was inappropriate for the given conditions and circumstances.
 - c. Policy and/or procedure failure- The conduct occurred but was the result of a failure of current and established policy or procedure.
 - d. Insufficient evidence- There is insufficient evidence to establish if the conduct occurred.
 - e. Unfounded complaint- The alleged conduct did not occur.
6. Due process rights will be exercised as follows:
 - a. Notice of the charge in writing.
 - b. Time to prepare a defense, 48 hours.

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- c. Formal hearing with two (2) Firefighters and two (2) Fire Officers, not directly involved, where evidence of the prohibited conduct is presented.
 - d. Right of rebuttal and the calling of witnesses.
 - e. Written notice of findings and selection of a conclusion of fact.
 - f. Discipline decision by Fire Chief.
 - g. Appeal of action submitted to an Appeal Board as outlined below.
7. The Fire Chief may suspend or terminate any member for cause, after apprising the member of the action to be taken and reasons, therefore. Upon suspension or termination, a member shall have the right to appeal said action by submitting a written appeal to the Fire Chief, outlining the reasons why said member feels aggrieved by the action taken. The Fire Chief shall call a meeting of an Appeal Board, which shall consist of the Firefighters and Fire Officers who conducted the formal hearing. The Appeal Board may confirm, reduce, or reverse the action of the Fire Chief. The decision of the Appeal Board shall be binding on all parties.

Discipline:

1. Violations of any Burlington Twp. Fire Department Rules and Regulations, Standard Operating Guidelines, Directives, Procedures, or Special Orders, or the neglect or evasion of the duties and responsibilities contained in any Burlington Twp. Fire Department policy shall be the subject of disciplinary action up to and including termination.
2. If discipline is required, every effort will be made to respond to the deficiency with training or counseling.
4. Any member violating any Burlington Twp. Fire Department Rules and Regulations, Standard Operating Guidelines, Directives, Procedures, or Special Orders, or the neglect or evasion of the duties and responsibilities contained in any Burlington Twp. Fire Department policy shall be subject to the department discipline policy (SOG #26).