

# Provisions Applicable to Particular Complaints of Discrimination

## Race and Color

A. The Michigan Prescribed Fire Council (MPFC) will not discriminate against others on the basis of race and color, as well as national origin, religion, and sex (including sexual harassment).

B. It is unlawful to discriminate against any person involved with the MPFC because of his or her race or color in any way, including discrimination based on stereotypes and assumptions about abilities, traits, or performance of individuals of certain racial groups. This includes intentional discrimination as well as practices that result in fewer people of minority groups being included in events or activities.

C. Any opportunity cannot be denied because of marriage to or association with an individual of a different race; membership in or association with ethnic-based organizations or groups; or attendance or participation in schools or places of worship generally associated with certain minority groups.

D. Discrimination on the basis of an immutable characteristic associated with race, such as skin color, hair texture, or certain facial features will not be tolerated by the MPFC, even though not all members of the race share the same characteristic.

E. Harassment on the basis of race and/or color will not be tolerated by the MPFC. Ethnic slurs, racial "jokes," offensive or derogatory comments, or other verbal or physical conduct based on an individual's race or color constitutes unlawful harassment when the conduct creates an intimidating, hostile, or offensive environment, or interferes with an individual's performance.

## Religion

A. MPFC will not discriminate against others on the basis of religion. MPFC will not discriminate against employees or participants in events because of their religion.

B. MPFC must accommodate any member who gives notice that practices or programs are inconsistent with the member's religious beliefs, whether or not MPFC believes there is a religious basis for the employee's objection.

## National Origin

A. MPFC will not discriminate against others on the basis of national origin. National origin can be defined as birthplace, ancestry, culture, or linguistic characteristics common to a specific ethnic group. Equal opportunity to participate in the MPFC cannot be denied because of marriage or association with persons of a national origin group; membership or association with specific ethnic promotion groups; attendance or participation in schools, churches, temples or mosques generally associated with a national origin group; or a surname associated with a national origin group.

B. The MPFC will not discriminate against an individual because of their accent or other idiosyncratic ways of speaking. MPFC will not tolerate mimicking or mocking an accent, insulting an accent, or treating someone differently because of their accent.

C. An ethnic slur or other verbal or physical conduct because of an individual's nationality constitutes harassment when they create an intimidating, hostile, or offensive environment, unreasonably interfere with an individual's performance, or negatively affect an individual's opportunities.

## Age

A. The MPFC will not discriminate against an individual based on their age, or characteristics related to their age. The MPFC reserves the right to refuse to certify an individual if they are unable to meet physical requirements for a certification due to their age.

## Sex/Gender/Sexual Orientation

A. The MPFC will not discriminate against an individual because of their sex or gender presentation. This includes those who are cisgender, transgender, genderqueer, gender neutral, genderfluid, non-binary, intersex, or any other sex or gender.

B. Jokes relating to a person's sex or gender are not allowed by the MPFC.

C. MPFC refuses to discriminate against any member based on their sexual orientation.

D. This includes individuals who are: straight, gay, bisexual, polysexual, asexual, etc.

E. Any jokes related to an individual's sexual orientation will not be allowed by the MPFC.

## Sexual Harassment

A. It is the policy of the Michigan Prescribed Fire Council (MPFC) to maintain an environment free of sexual harassment for any and all persons in contact with the Michigan Prescribed Fire Council. Sexual harassment diminishes individual dignity and impedes equal opportunity. Sexual harassment will not be tolerated by the Michigan Prescribed Fire Council. Sexual harassment can be a very serious matter having far-reaching effects on the lives and careers of individuals. Intentionally false accusations can have similar impact. Both a person who sexually harasses another, and a person who knowingly and intentionally files a false complaint under this policy, are subject to discipline. An individual may engage in conduct of a sexual nature that may

not be sufficiently severe, persistent or pervasive to constitute sexual harassment as described below, but is nonetheless inappropriate. Such conduct also will not be tolerated by the MPFC, is prohibited by the MPFC and is subject to discipline.

#### **B. DEFINITION OF SEXUAL HARASSMENT**

For the purposes of determining whether a particular course of conduct constitutes sexual harassment under this policy, the following definition will be used:

Some examples of conduct that may constitute sexual harassment include, but are not limited to:

**Unwanted sexual statements** – sexual or “dirty” jokes, comments on physical attributes, spreading rumors about or rating others as to sexual activity or performance, talking about one’s sexual activity in front of others, and displaying or distributing sexually explicit drawings, pictures and/or written material. Unwanted sexual statements can be made in person, in writing, electronically (email, instant messaging, blogs, web pages, etc.), and otherwise.

**Unwanted personal attention** – letters, telephone calls, visits, pressure for sexual favors, pressure for unnecessary personal interaction, pressure for dates where a sexual/romantic intent appears evident but remains unwanted, and stalking.

**Unwanted physical or sexual advances** – touching, hugging, kissing, fondling, touching oneself sexually for others to view, sexual assault, intercourse, or other sexual activity.

Conduct alleged to be sexual harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Although repeated incidents generally create a stronger claim of sexual harassment, a serious incident, even if isolated, can be sufficient.

This policy addresses intentional conduct. It also addresses conduct which results in negative effects even though such negative effects were unintended. Sexually-related conduct forms the basis of a sexual harassment claim if a reasonable person, in view of all the surrounding circumstances, would consider it sufficiently severe, persistent or pervasive as to interfere unreasonably with day-to-day activities.

Sexual harassment most often occurs when one person has actual or apparent power or authority over another; however, it may also occur between individuals of equal status or rank. It is also possible for a person who is not in a position of power or authority over another to sexually harass that person, such as a supervisor being sexually harassed by a supervisee. Sexual harassment occurs between persons of the same gender and persons of different genders.

#### **C. RESPONSE AND PROCEDURES**

Corrective Action: The MPFC can take corrective action only when it becomes aware of problems. **Therefore, the MPFC encourages persons who believe that they have experienced or witnessed sexual harassment to come forward promptly with their inquiries, reports, or complaints and to seek assistance.** Individuals also have the right to pursue a legal remedy for sexual harassment in addition to or instead of proceeding within the MPFC.

Corrective action could include a requirement not to repeat or continue the harassing or retaliatory conduct, a reprimand, reassignment, suspension and termination. A finding of sexual harassment may be cause for the separation of the offending party from the MPFC. The MPFC may assume the role of a complainant and pursue a report or complaint of sexual harassment, either informally or formally.

Retaliation: The MPFC will take appropriate steps to assure that a person who in good faith reports, complains about, or participates in an informal resolution or formal investigation of a sexual harassment allegation will not be subjected to retaliation. The MPFC also will take appropriate steps to assure that a person against whom such an allegation is made is treated fairly.

#### **Disability**

A. The MPFC will not discriminate against any individuals with disabilities. An individual with a disability is a person who:

- (1) Has a physical or mental impairment which substantially limits one or more of a person's major life activities;
- (2) Has a history of such an impairment; or
- (3) Is regarded as having such an impairment.

B. A qualified individual with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the activities in question without endangering the health and safety of the individual or others and who, depending upon the type of appointing authority being used:

- (1) Meets the experience or education requirements (which may include passing a written test) of the activity in question; or
- (2) Meets the criteria for appointment under one of the special appointing authorities for individuals with a disability.

C. Physical or mental impairment is any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, cardiovascular, reproductive, digestive, respiratory, genitourinary, hemic and lymphatic, skin,

and endocrine; or any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.