

I. Approval of Policy 213, Sexual Abuse and Misconduct Prevention



**Northwest Fire District
Governing Board**
13535 North Marana Main Street
Marana, Arizona

SCHEDULED

MEMORANDUM NO. 25-1112

Date: March 25, 2025
To: Governing Board
From: Kim Sotomayor, Director
Division: Human Resource Services
Type of Action: Formal Action/Motion
Strategic Plan Goals: Demonstrate responsible and transparent stewardship of organizational resources
Other
Agenda Item: Approval of Policy 213, Sexual Abuse and Misconduct Prevention

RECOMMENDATION:

Approve Policy 213, as presented.

MOTION:

Move to approve Policy 213, as presented.

DISCUSSION:

On March 5, 2025, Policy 213 was approved at the Leadership Committee meeting. Policy 213 is required by the District's current insurance carrier, Volunteer Firemen's Insurance Service (VFIS), in order to have coverage for any events involving minors. This policy encompasses the requirements necessary for VFIS underwriting. While this policy overlaps with several other policies the District has in place today, this policy specifically addresses events involving minors such as mini musters, babysitting classes, fire safety lessons in classrooms, stations tours, etc. If the policy is not adopted, an exclusion would be added to the current policy called the Abuse or Molestation Exclusion.

ALTERNATIVES:

None at this time.

Fiscal Impact

FISCAL YEAR: 24/25

BUDGETED Y/N: N/A

AMOUNT REQUESTED: N/A

FISCAL IMPACT: N/A

Attachments

Policy 213

Sexual Abuse and Misconduct Prevention

213.1 PURPOSE AND SCOPE

The purpose of this policy is to clearly establish the District's intolerance for sexual abuse or misconduct in the workplace or during any District-related activity, and to provide procedures to be followed when such misconduct is observed or otherwise discovered.

213.2 POLICY

Northwest Fire District prohibits and does not tolerate sexual abuse or misconduct in the workplace or during any District-related activity. The District provides procedures for employees, volunteers, board members or any other victims of sexual abuse or misconduct to report such acts. Those reasonably suspected or believed to have committed sexual abuse or misconduct will be appropriately disciplined, up to and including termination, as well as reported to law enforcement when it appears statutes may have been violated. No employee, volunteer, board member or other person, regardless of his or her title or position has the authority to commit or condone sexual abuse or misconduct.

213.3 DEFINITIONS

The following definitions or examples of sexual abuse, misconduct, or harassment, may apply to any and/or all of the following persons – employees, volunteers or other third parties.

Sexual abuse or misconduct may include, but is not limited to:

- Child sexual abuse – Any interaction between a child and an adult (or another child) in which the child is used for the sexual stimulation of the perpetrator or an observer. Sexual abuse can include both touching and non-touching behaviors. Non-touching behaviors can include voyeurism (trying to look at a child's naked body), exhibitionism, or exposing the child to pornography.
- Sexual activity with another who is legally incompetent or otherwise unable to give consent.
- Physical assaults or violence, such as rape, sexual battery, abuse, molestation, offensive touching, or any attempt to commit such acts.
- Unwanted and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, brushing, massaging someone's neck or shoulders, and/or pulling against another's body or clothes.
- Exhibiting material such as pornographic or sexually explicit images, sexually suggestive posters, calendars, jokes, stories, or objects.
- Unwelcome and inappropriate sexual activities, advances, comments, innuendoes, bullying, jokes, gestures, electronic communications, or messages (e.g., email, text, social media, voicemail), exploitation, exposure, leering, stalking or invasion of sexual privacy.

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- A sexually hostile environment characterized as comments or conduct that unreasonably interferes with one's work performance or ability to do the job or creates an intimidating, hostile, or offensive environment.
- Direct or implied threats that submission to sexual advances, or silence in the wake thereof, will be a condition of employment or affiliation with the organization.

213.4 REPORTING PROCEDURE

Immediately report suspected sexual abuse or misconduct to your immediate supervisor and Human Resource Services Manager. It is not required to directly confront the person who is the subject of the report, question, or complaint before notifying any of the individuals listed. The District will take every reasonable measure to ensure that those named in a complaint of misconduct or are too closely associated with those involved in the complaint, will not be part of the investigative team.

213.5 ANTI-RETALIATION AND FALSE ALLEGATIONS

The District prohibits retaliation made against any employee, volunteer, board member, or other person who lodges a good faith complaint of sexual abuse or misconduct or who participates in any related investigation. Making knowingly false, malicious, or reckless accusations of sexual abuse, or misconduct that can have serious consequences for those who are wrongly accused as well as the District.

The District prohibits making false, malicious or reckless sexual misconduct allegations, as well as deliberately providing false information during an investigation. Anyone who violates this rule is subject to disciplinary action, up to and including termination of employment.

213.6 INVESTIGATION AND FOLLOW-UP

The District will:

- Take all allegations of sexual abuse or misconduct seriously and will promptly, thoroughly, and appropriately investigate whether misconduct has taken place, and may utilize an outside third party to conduct an investigation of misconduct.
- Cooperate fully with any investigation conducted by law enforcement, civil rights, or other regulatory/protective services agencies.
- Make every reasonable effort to keep the matters involved in the allegation as confidential as possible while still allowing for a prompt and thorough investigation and complying with legal mandates.

213.7 REPORTING TO LAW ENFORCEMENT OR CHILD OR ADULT PROTECTIVE SERVICES

The District is committed to following the state and federal legal requirements for reporting allegations or incidents of sexual abuse or misconduct to appropriate law enforcement and child or adult protective services organizations.

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The District will not attempt to investigate or assess the validity or credibility of an allegation of sexual or physical abuse, or neglect, as a condition precedent before reporting the allegation to proper law enforcement authorities or protective services organizations where such reporting is mandated by law.

The District will consult with legal counsel to determine state, federal, or other jurisdictional requirements to report suspicions or allegations of child or adult sexual or physical abuse or neglect.

For additional guidance on reporting suspected abuse please refer to Policies 306 and 307 for mandatory notifications and reporting procedures per ARS § 13-3620 [children] and ARS § 46-454 [vulnerable adults].

213.8 EMPLOYEE SCREENING AND SELECTION

The District is committed to maintaining a diligent screening process for prospective employees, volunteers, and others that may have interaction with the public in the course of District related business.

Please refer to Policy 1000 Recruitment and Selection.

213.9 SUPERVISION OF YOUTH

To provide a safe environment for minors, the District strives to maintain a minimum of two adult workers to supervise or be in attendance with minors during District-related activities. The purpose is to avoid one-on-one interactions between adults and minors that are not easily observable by other adults. If individual meetings must be held in an office, the door must be kept open. Only conduct closed door meetings when another adult is present, and the door must remain unlocked.

213.10 ADDITIONAL RESOURCES

Policy 1002 Discriminatory Harassment

Policy 1014 Privacy and Security

Policy 1019 Standards of Conduct

Policy 1030 Disciplinary Action

Policy 1033 Compliant Management

Policy 1034 Anti- Retaliation

Procedure 1010 Administrative Investigations and Interviews