



## ANTI-HAZING/ANTI-BULLYING POLICY

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### 1. PURPOSE

- 1.1 The New York City Fire Department expects all of its employees to treat one another with dignity and respect. Consistent with that principle, this policy prohibits employees from engaging or participating in, or encouraging others to engage or participate in, any act of hazing or bullying.
- 1.2 The Department seeks to foster a professional, welcoming and safe work environment for all of its employees. Hazing and bullying are contrary to this goal, as well as to the FDNY's core values of honor, dedication and service. Such acts can impact an employee's ability to function at work and damage trust and confidence among co-workers, undermining the cohesiveness of the work unit. Every employee must be afforded the opportunity to be a productive and contributing member of their work unit, free of hazing or bullying.
- 1.3 Hazing and bullying have no place in any workplace or organization and will not be tolerated by the Department.

### 2. DEFINITION

- 2.1 Hazing is an act that, includes, but is not limited to, any form of initiation or a "rite of passage" into an employee group, unit, or work location that involves the potential for, or causes, physical injury, mental harm or personal humiliation. It includes but is not limited to conduct that is cruel, abusive, humiliating, intimidating, oppressive, demeaning or harmful. Soliciting, coercing, participating in, or condoning others to engage in any such activity is also considered hazing. Hazing need not involve any physical contact among or between employees; it can be, in part or wholly, verbal or psychological in nature.
- 2.2 Bullying is conduct that can be humiliating, intimidating, demeaning or cruel to a colleague in order to exclude or reject another member from the team.
- 2.3 Examples of hazing/bullying include, but are not limited to, the following types of conduct:
  - 2.3.1 Requiring physical exercise for non-legitimate reasons;
  - 2.3.2 Orchestrating exclusion or silent treatment;
  - 2.3.3 Tampering with food or drink;
  - 2.3.4 Pouring a bucket of water or other substance over any part of an employee's body;
  - 2.3.5 Using cruel, abusive or discriminatory language toward an employee;

- 2.3.6 Destroying or otherwise damaging an employee's personal property;
  - 2.3.7 Singling out an employee to do tasks not given to others or multiplying tasks given to others in an effort to intimidate, undermine or harass that employee;
  - 2.3.8 Requiring an employee to wear embarrassing or humiliating attire;
  - 2.3.9 Performing degrading, crude or humiliating acts against an employee;
  - 2.3.10 Tampering with an employee's uniform or bunker gear (e.g., cutting buckles, putting foreign objects in boots or pockets, poking holes in clothing);
  - 2.3.11 Removing or defacing an employee's locker;
  - 2.3.12 Creating or posting demeaning signs or photo-shopped faces;
  - 2.3.13 Using social media to demean, intimidate, or otherwise harass an employee;
  - 2.3.14 Playing abusive tricks or engaging in acts intended to ridicule;
  - 2.3.15 Any inappropriate physical contact;
  - 2.3.16 Requiring excessive physical exertion beyond what is required to meet established training and performance standards; and/or
  - 2.3.17 Forcing or requiring the consumption of food, alcohol, drugs or any other substance.
- 2.4 Hazing/Bullying is not limited to superior-subordinate relationships. It may occur between peers or, under certain circumstances, may involve actions by junior personnel toward those more senior in rank.
- 2.5 Hazing/Bullying does not include authorized activities such as required operational or training exercises/activities (but not including abuse of those activities as listed in Section 2.3); remedial training selected by the employee or as directed by Training Academy staff or other training or instruction authorized by the Chief of Training, Chief of Operations or Chief of Department; as well as daily work, e.g., roll call, inspection of equipment, housewatch duties, committee work (maintaining the bunkroom, cleaning bathrooms, preparing meals, etc.).

### 3. POLICY

- 3.1 The FDNY prohibits hazing/bullying of any of its employees by another employee, while on and off duty. Aiding and abetting another person who is engaged in such conduct is prohibited. No FDNY employee may engage in hazing/bullying or consent to be a victim of hazing/bullying. Anyone who witnesses or is made aware of any act or allegation of hazing/bullying must immediately report such information (see Section 4.1). Actual or implied consent to acts of hazing/bullying is not a defense to a violation of this policy.
- 3.2 Hazing/Bullying is not an acceptable method of corrective training. Deficiencies in an employee's performance are appropriately addressed through instruction and the chain of command. Hazing/Bullying is not an effective way to instill discipline or develop skills.
- 3.3 It is the responsibility of the officer or supervisor to set the tone and maintain a safe and welcoming workplace environment. No officer or supervisor may condone or ignore hazing/bullying if the officer or supervisor knows, or reasonably should have known that the conduct has occurred. Once informed or made aware of any such incident or allegation, all officers and supervisors must report the incident through the chain of command and, where applicable, directly to the Equal Employment Opportunity (EEO) or to the Bureau of Investigations and Trials (BITs). Failure of an officer or supervisor to enforce this policy will result in disciplinary action against the officer or supervisor.
- 3.4 The FDNY strictly prohibits retaliation against any complainant of hazing/bullying, or any witness who reported such an incident. ***The Fire Department will not tolerate any such retaliation.*** Employees are prohibited from subjecting individuals to threats, reprimands, negative evaluations, harassment, or engaging in other adverse treatment that may have the effect of discouraging individuals from reporting or cooperating with investigations into any alleged violations of this policy. Offenders will be subject to discipline, up to and including termination of employment.

### 4. REPORTING

- 4.1 Alleged violations of this policy will be handled confidentially. Information obtained will be disclosed only to those who need to know for purposes of investigation and/or remediation.
- 4.2 The ability to investigate reports and enforce this policy depends on the accuracy and specificity of the information provided. Employees are encouraged to provide as much specific detail as possible so that appropriate action can be taken to address the reported behavior. Employees have the option to submit a report anonymously to BITs or EEO. However, providing one's name and contact information is encouraged.
- 4.3 Reports may be made to any of the following:
- Through the chain of command by notifying the employee's immediate supervisor; and or
  - BITs at 718-999-2646 or EEO Office at 718-999-1446 (Monday through Friday 9 a.m. to 5 p.m.) or 718-999-7900 (after hours).

- 4.4 Any incidents or allegations of hazing or bullying shall be reported by supervisory personnel, in writing, up the chain of command to the Chief of Department. The Chief of Department, in consultation with and working in conjunction with BITs, will determine what action is appropriate following a reported incident of hazing/bullying, and whether such action shall be taken within the chain of command or by BITs.
- 4.5 Hazing/Bullying allegations that may also implicate or violate the Department's EEO policy shall be reported directly to the EEO Office in accordance with the Department's EEO policy. BITs and/or the EEO Office will investigate reported hazing incidents as necessary.
- 4.6 Any reported hazing/bullying incident that would also be considered a crime will be reported by the FDNY directly to the Department of Investigation. Additionally, every officer and employee has an affirmative obligation to report, directly and without delay, to the Inspector General any and all information concerning conduct involving criminal activity. Notifications should be made directly to the Inspector General's Office at 212-825-2402.
- 4.7 Any FDNY employee who has been hazed or bullied, or whom a supervisor or officer believes may have been subjected to hazing or bullying, may be considered a victim and will be offered the assistance of the Bureau of Health Services (BHS) and Counseling Service Unit (CSU). An officer or supervisor who has been made aware of any acts of hazing must advise the victim of the services available to him or her that are provided by BHS and CSU.
- 4.8 No person shall prevent, seek to prevent, interfere with, obstruct, or otherwise hinder any study or investigation being conducted pursuant to this policy. Full cooperation shall be afforded by every officer and member during the investigation.

## **5. GUIDELINES FOR VIOLATIONS OF THIS POLICY**

- 5.1 The Department regards violations of this policy as serious offenses, and has established action guidelines for its violations. These guidelines are designed to cover the most common infractions, but there may be cases that do not fit precisely within them. The Department reserves the right to depart from these guidelines as the exacerbating or extenuating circumstances of each individual case requires. The following are guidelines only and are not meant to abrogate in any way the due process rights provided under the NYS Civil Service Law, the NYC Administrative Code or any applicable collective bargaining agreement. In addition, the Department's use of these guidelines will take into consideration any findings and recommendations made by an Administrative Law Judge after a NYC Office of Administrative Trials and Hearings trial or by a Hearing Officer after a disciplinary proceeding.

- 5.2 The Department may take the following actions, including but not limited to, pending the completion of an investigation:
  - 5.2.1 Immediate detail of any member accused of violating this policy;
  - 5.2.2 Immediate detail of the officer(s) on duty at time of alleged incident;
  - 5.2.3 Immediate detail of the commanding officer(s) of the company, Battalion Chief, and/or Division Chief, where appropriate;
  - 5.2.4 Suspension for up to thirty (30) days; and/or
  - 5.2.5 Restriction of voluntary overtime and mutual privileges in accordance with operational needs.
- 5.3 Any employee found to be in violation of this policy will be subject to discipline, up to and including termination of employment.

**BY ORDER OF THE FIRE COMMISSIONER AND CHIEF OF DEPARTMENT**