

*Town of Cazenovia*  
***Policy Against Discrimination and Harassment***  
*(Last Revised 8/10/2020)*

**SECTION 9.3 (1): PURPOSE**

The Town believes in the dignity of the individual and recognizes the rights of all people to equal employment opportunities in the workplace. In this regard, the Town is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without subjugation to harassment or discrimination in the workplace. It is the Town's policy to provide an employment environment free from harassment and discrimination based on race, color, gender, religion, religious creed, sex, marital status, age, national origin or ancestry, physical or mental disability, genetic information, military or veteran status, sexual orientation, gender identity, gender expression, pregnancy (including childbirth and related medical conditions, and including medical conditions related to lactation) citizenship or any other characteristics protected by applicable federal, state or local law.

- A. **Applicability of Policy:** This Policy applies to all Town employees, irrespective of whether the nature of employment is full-time, part-time, temporary or seasonal. The Policy equally applies to all of the Town's appointed officers, elected officials, and all other personnel in a contractual or other business relationship with the Town, including, for example, applicants, interns (whether paid or unpaid), independent contractors, vendors, consultants, volunteers and visitors. Depending on the extent of the Town's exercise of control, this Policy may be applied to the conduct of nonemployees with respect to unlawful harassment and/or discrimination of the Town's employees in the workplace. This Policy applies with equal force on Town property as it does at municipal sponsored events, programs, and activities that take place off premises.
- B. **Policy Objectives:** By adopting and publishing this Policy, it is the intention of the Town's Board to:
- (1) Notify employees about the types of conduct that constitute harassment and discrimination prohibited by this Policy; ·
  - (2) Inform employees about the complaint procedures established by the Town that enable any employee who believes (s)he is the victim of harassment or discrimination to submit a complaint which will be investigated by the Town;
  - (3) Clearly advise all supervisory staff, administrators, and employees that harassment and discrimination is strictly prohibited and no such person possesses the authority to harass or discriminate; and
  - (4) Notify all employees that the Town has designated individuals to receive complaints and ensure compliance with this Policy.

**SECTION 9.3 (2). DEFINITIONS**

**"Prohibited Discrimination of Employees"** – Prohibited discrimination of employees means any adverse employment action against an employee, by either a Town employee or official or a third party engaged in activities sponsored by the municipality which is based upon the employee's protected characteristic. Prohibited discrimination of employees also includes harassment based on a protected

characteristic even where there is no tangible impact upon the employee's employment opportunities and/or employment benefits. The phrase "prohibited discrimination" as used in this Policy includes all forms of prohibited discrimination and harassment based on a protected characteristic, as defined below.

**"Harassment"** – Harassment includes, but is not limited to:

- (1) Conduct that unreasonably interferes with the ability of any employee or nonemployee to perform their expected job duties. This includes extending welcome or unwelcome attention and/or hostility to someone based on a protected characteristic, which thereby reduces personal productivity or time available to work at assigned tasks.
- (2) Conduct which creates an intimidating, hostile, or offensive work environment. This includes unwelcome or unwanted conversations, suggestions, requests, demands, physical contacts or attentions that are based upon any other protected characteristic.
- (3) Slurs, jokes, or other verbal, visual, or physical conduct relating to an individual's race, color, gender/sex, religion, national origin, age, disability, sexual orientation, marital/family status, or any other characteristic protected by applicable state, local or federal law.

Any and all forms of workplace harassment are strictly prohibited.

**Examples of Harassment** – A non-exhaustive list of behaviors and actions that the Town considers harassment is set forth below. All reports of harassment of any kind are investigated on a case-by-case basis. Accordingly, the descriptions below should not be interpreted in any way as being all-inclusive.

- **Verbal:** Abusive verbal language including jokes, comments, teasing or threats related to an employee's protected characteristic, slurs; suggestive, derogatory, or insulting comments or sounds; jokes; threats; comments on a person's appearance that make the person feel uncomfortable because of his or her protected characteristic; comments about an employee's anatomy or protected characteristic that are unwelcome, unreasonably interfere with an employee's work performance, or create an intimidating, hostile or offensive work environment; and unwelcome advances or demands based on someone's protected characteristic.
- **Nonverbal:** Abusive or graphic commentaries based on a protected characteristic; derogatory cartoons or caricatures; luring or obscene gestures in the workplace; gestures or motions based on a protected characteristic; sending material through the Town e-mail system or other electronic communication devices (e.g. voice mail) or using the Town's mail or computers to view material that is demeaning or derogatory based on one's protected characteristic.
- **Physical:** Unwelcome physical conduct, including but not limited to: hitting, pushing, shoving, slapping, pinching, holding, assault, unnecessary touching or other unwelcome physical conduct.

While a single incident of these types of behavior may not create a hostile working environment, if such behavior is severe, persistent or pervasive, or if submission to such conduct is made either explicitly or implicitly a term or condition of employment or receipt of employment benefits, such conduct constitutes prohibited harassment.

### **SECTION 9.3 (3): POLICY**

The Town prohibits harassment and discrimination based on any characteristic protected by applicable law and has zero tolerance for any form of unlawful discrimination or harassment. Town will take all steps necessary to prevent and stop the occurrence of unlawful discrimination and/or harassment in the workplace.

All employees, including but not limited to, Town officers and supervisory personnel, are responsible for ensuring a work environment free from prohibited harassment and discrimination. All employees will be held responsible and accountable for avoiding or eliminating inappropriate conduct that may give rise to a claim of harassment or discrimination. Employees are encouraged to report incidents of harassment as soon as possible after the occurrence in accordance with the Complaint Procedure set forth in Section 4 of this Policy. Any Town official who receives such a complaint must take immediate and appropriate corrective action when suspected instances of prohibited harassment and/or discrimination to assure compliance with this Policy, and must report the suspected misconduct to the Town Supervisor or a member of the Town Board.

Each employee is assured pursuant to Section 6 of this Policy, that retaliation against an individual who makes a complaint or report under this Policy is absolutely prohibited and constitutes, in and of itself, a violation of this Policy. Employees who engage in retaliation against any employee for making a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws shall be subject to discipline, up to and including termination of employment. Any employee who believes he/she has been retaliated against in violation of this policy should report violations of this Policy in accordance with the Complaint Procedure set forth in this Policy.

Any questions regarding the scope or application of this Policy should be directed to the Town Supervisor or a member of the Town Board.

### **SECTION 9.3 (4): POLICY ENFORCEMENT**

#### **A. Complaint Procedure for Employees**

##### **i. Notification Procedure**

Prompt reporting of complaints or concerns is required so that timely and constructive action can be taken. Reporting of all perceived incidents of prohibited discrimination and/or harassment is essential, regardless of the offender's identity or position. An employee or other individual who feels aggrieved because of harassment or discrimination shall contact his or her supervisor/department head, the Town Supervisor or a member of the Town Board.

##### **ii. Making a Complaint**

Any Town employee or appointed/elected officer who feels that he/she has experienced or observed discrimination and/or harassment in the workplace should report the matter directly to his/her immediate supervisor. If the complainant feels uncomfortable reporting the harassment to his/her supervisor, he/she should instead report the matter to his/her Department Head, the Town Supervisor, any member of the Town Board. Employees who work during off-hours are encouraged to contact their supervisors or any other aforementioned Town officer at home if these

individuals do not work during the employees' shift. The Town will not tolerate violations of this policy and strongly encourages reporting of suspected harassment or discrimination as soon as it occurs.

**B. Time for Reporting a Complaint**

Prompt reporting of all complaints is strongly encouraged. All employees should be aware that appropriate resolution of complaints and effective remedial action oftentimes is possible only when complaints are promptly filed.

**C. Confidentiality and Privacy**

Complaints will be handled and investigated promptly and in as impartial and confidential a manner as possible. In no event will information concerning a complaint be released by the Town to third parties or to anyone within Town employment who is not directly involved in the investigation of the complaint unless otherwise required by law. All information obtained, as well as any resulting actions, will be held in strict confidence and will be disclosed only on a need-to-know basis during the investigation and resolution of the matter.

**D. Falsified Charges**

If, after thorough investigation, one is found to have intentionally falsified a charge of harassment and/or discrimination, or is found to have corroborated with such a falsified charge, he/she will be subject to disciplinary action up to and including termination of employment.

**SECTION 9.3 (5): INVESTIGATION AND REMEDY**

Generally, investigation of a complaint will be conducted by the complainant's Department Head or immediate supervisor and will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incident(s) occurred. All investigations will be conducted in a fair, timely, and thorough manner that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected. In those instances when a Department Head or Supervisor requests or requires assistance, or when the Department Head or Supervisor is named in the complaint or involved in the incident, the Town Board will appoint another individual to conduct the investigation, as appropriate. If, at the end of the investigation, misconduct is found, appropriate remedial measures (including discipline) shall be taken including, but not limited to, termination from employment.

**SECTION 9.3 (6): PROHIBITION AGAINST RETALIATION**

Retaliation (i.e., intimidation, coercion, threats, reprisal or discrimination) is strictly prohibited by this Policy and by law against anyone for making a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal or external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment antidiscrimination laws.

Complaints of retaliation should be brought directly to the Town Supervisor or a member of the Town Board. Such complaints will be promptly investigated. If retaliation is found, the person retaliating will be subject to corrective action up to and including termination from employment, or in the case of a non-employee, an appropriate remedy up to and including termination of the business relationship.

**SECTION 9.3 (7): RECORD KEEPING**

The Town shall maintain a written record of all complaints of discrimination and/or harassment for a period of at least three years. The Town shall also document the steps taken with regard to investigations, as well as conclusions reached and remedial action taken, if any. The Town shall also maintain these documents for, at a minimum, three years.

The Town's records regarding alleged discrimination shall be maintained separate and apart from personnel records.