

	ITHACA POLICE DEPARTMENT	Distribution ALL PERSONNEL	General Order Number 1.05
	POLICY AND PROCEDURE GENERAL ORDER	Original Issue Date 05/11/2020	Reissue/Effective Date 05/11/2020
Order Title: HARASSMENT AND DISCRIMINATION	Accreditation Standard: NY 14.1; 14.7	Section 1	
	Section Title DEPARTMENT ROLE AND AUTHORITY		
Rescinds:	 Dennis Naylor, Chief of Police		

This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting

I. PURPOSE

The purpose of this policy is to promote a healthy work environment by maintaining a working environment free from all forms of harassment and to provide procedures for the reporting, investigation, and resolution of complaints of harassment, sexual or otherwise.

II. STATEMENT OF POLICY

The City of Ithaca is committed to maintaining a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment and hostile behaviors. Therefore, the Mayor and Common Council expect that all relationships and interactions among persons in the City work environment will be professional; respectful; and free from bias, prejudice, hostility, and harassment.

The State of New York and the City of Ithaca prohibit discrimination based on the actual or perceived age; creed; color; disability; domestic violence victim status; ethnicity; familial status; gender; gender identity or expression; height; weight; immigration or citizenship status; marital status; military status; national origin; predisposing genetic characteristics; race; religion; sexual orientation; or socioeconomic status of an individual. All such discrimination is unlawful and will not be tolerated. Additionally, the City does not allow bias-based harassment, or harassment of any other kind, in its workplace. The City of Ithaca is committed to taking all reasonable steps to prevent discrimination and harassment from occurring in its workplace.

III. DEFINITIONS

Discrimination: Treating an individual differently because of the individual's membership in the above-mentioned categories. Discrimination based on membership in these categories (other

than providing reasonable accommodation for differently-abled persons) is prohibited by federal, state, or local laws.

Harassment: Unwanted, unreasonable verbal or physical conduct directed toward or affecting another person that annoys, disturbs, frightens, insults or offends that other person, that continues or is repeated after a request to cease, and that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities. Harassment includes bias-based harassment and sexual harassment.

Bias-Based Harassment: Harassment that denigrates, offends or shows hostility or aversion toward an individual because of his/her actual or perceived age; creed; color; disability; domestic violence victim status; ethnicity; familial status; gender; gender identity or expression; height; weight; immigration or citizenship status; marital status; military status; national origin; predisposing genetic characteristics; race; religion; sexual orientation; or socioeconomic status; or that of his/her relatives, friends, or associates. Bias-based harassment includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written or graphic material that denigrates, ridicules, objectifies, or shows hostility, aversion or contempt toward an individual or group and that is placed on walls, bulletin boards, lockers or elsewhere on or in the employer's premises, vehicles, or equipment, or is circulated in the workplace, including through electronic means.

IV. SCOPE OF POLICY

This policy applies to all City officers and employees. This policy applies to all aspects of the relationship between the City and its employees, including but not limited to: recruitment, employment, promotion, training, working conditions, and benefits. Also, employees of the City shall not discriminate against independent contractors, volunteers, personnel employed by temporary agencies, applicants, customers, the general public, and any other persons or agencies doing business for or with the City. It is the expectation that independent contractors shall not discriminate against City employees. If any contractor violates this policy, appropriate action will be taken.

Department heads and supervisory personnel are responsible for ensuring a work environment free from unlawful discrimination or harassment. These individuals must take immediate and, if authorized, appropriate corrective action when allegations of discrimination or harassment come to their attention to assure compliance with this policy. Should a department head or supervisor not be authorized to take corrective action, the matter shall be referred to the individual or body, as the case may be, having the authority to take corrective action.

V. REPORTING AND INVESTIGATING

Any City officer or employee who witnesses or experiences an incident of suspected discrimination or harassment shall report the incident to the appropriate department head or the Human Resources Director, or their designees, as soon as possible after an alleged incident.

VI. COMPLAINT PROCEDURE

Informal Procedure

Some situations may be resolved in an informal manner by the Department Head or supervisor without the need for a formal complaint and investigation. Disciplinary action may not be imposed without a formal complaint being filed, and a finding, after investigation, that there is probable cause to believe discrimination or harassment occurred.

An individual reporting harassment, discrimination, or retaliation should be aware, however, that the City of Ithaca may decide it is necessary to take action to address such conduct beyond an informal discussion. This decision will be discussed with the individual making the complaint.

Formal Procedure

A formal complaint must be in writing and must include the act(s), complained about, identify the person or persons alleged to have committed such act(s), and indicate the approximate dates, if known, when the act(s) occurred. Employees and officers can fill out the form themselves, or ask for help from their supervisor, Department Head, or the Human Resources Director. A formal complaint shall be filed with the Department of Human Resources.

VII. INVESTIGATION PROCEDURE

Once a formal complaint has been received, the Human Resources Director or the Director's designee will commence a prompt investigation of the allegations in the complaint and will report the results of the investigation to the complainant's Department Head or the Mayor, as appropriate. The investigation should be concluded within sixty (60) days of the filing of the formal complaint. The investigation may be expanded if additional allegations are uncovered during the investigation.

The investigation may include but is not limited to: identifying the alleged harasser, separately interviewing witnesses, meeting with the person accused to inform her/him of the complaint and informing her/him that retaliation is prohibited, interviewing the accused person regarding the allegations, interviewing witnesses, and determining whether or not there is probable cause to believe that the allegations are true.

Prompt reporting of a complaint is strongly encouraged as it allows for rapid response to and resolution of objectionable behavior. Complaints should be filed within one year of the alleged harassment.

VIII. POST-INVESTIGATION AND APPEAL PROCEDURE

Unfounded Complaints

If, after an investigation, a complaint is determined to be unfounded, the Human Resources Director will inform the complainant(s) and the accused that the complaint is unfounded. The Human Resources Department will maintain a confidential record of the investigation.

Founded Complaints

If a complaint is founded, the Human Resources Director and the Department Head or Mayor will meet with the person accused and his/her union representative, if the accused is represented, and explain the findings of the investigation. The accused will have an opportunity to accept the findings and any corrective and/or disciplinary action, or to oppose the findings and file a grievance through his/her collective bargaining unit. The Human Resources Department will maintain a confidential record of the investigation.

In the event that either the employee alleging discrimination or harassment, or the employee being charged with discrimination or harassment, is not covered by a labor contract, the employee may exercise the employee's appeal rights provided for by Civil Service Law, Section C-26.1 of the City Charter, or Article 1 of Chapter 90 of the Code of the City of Ithaca, as appropriate.

Corrective and Disciplinary Action

Corrective and disciplinary action for discrimination or harassment may include, but is not limited to, any of the following: attending individualized training; verbal warning; written reprimand; work restrictions; monetary fine; salary reduction or limitation; demotion; suspension; dismissal. All action will be in accordance with due process and the parameters outlined within the respective Collective Bargaining Agreement (s).

IX. CONFIDENTIALITY

The City wishes to create a safe and comfortable environment in which employees are not afraid to discuss concerns and complaints, or to seek general information about discrimination, harassment, or retaliation. The City recognizes that employees may be concerned about the confidentiality of information they share and will strive to preserve confidentiality to the fullest extent possible.

Employees must understand that their anonymity cannot always be maintained, especially if disciplinary action is warranted.

X. FILING COMPLAINTS WITH OUTSIDE AGENTS

This internal complaint and investigation process does not substitute for or remove the rights of employees or officers to bring charges of discrimination or harassment with local, federal, and state agencies. Those agencies have specific time limits within which complaints can be brought, and employees or officers should consult each agency as to the proper procedure or time limit.

XI. SUPPORT SERVICES

Individuals involved in discrimination or harassment complaints are encouraged to seek assistance through the Employee Assistance Program or the Human Resources Department.

XII. RESPONSIBILITIES OF MANAGERS AND SUPERVISORS

All managerial and supervisory staff of the City of Ithaca shall be responsible for enforcing this policy and shall have particular responsibility for ensuring that the work environment under their supervision is free from harassment and discrimination and its effects.

All managerial and supervisory staff who receives harassment or discrimination complaints will be responsible for immediately forwarding such complaints to either their Department Head or the Director of Human Resources for investigation.

The City shall conduct training for managerial and supervisory staff in each department on the issues surrounding harassment and discrimination, its effects and its appearances, and the role and responsibility of supervisory personnel in preventing incidents of harassment or discrimination and resolving complaints.

The City shall also distribute this policy to all City employees and conspicuously post this policy at all City work sites. Copies of this policy will also be distributed to new employees as they are hired. Employees will be required to sign a statement that they have read and understood the policy. The City shall also conduct training for all City employees on the concept and definition of harassment and discrimination, the issues surrounding it, and ways in which to deal with it appropriately.

XIII. VIOLATION OF THIS POLICY

Violations of this policy, regardless of whether or not an actual law has been violated, will not be tolerated. The City of Ithaca will investigate every issue that is brought to its attention in this area and will take appropriate action.

XIV. RETALIATION

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of

retaliation should be reported immediately to the Human Resources Director and will be promptly investigated and addressed.

XV. RELATED LAWS AND CITY-WIDE POLICIES

City Code - Human Rights Protection – Chapter 215

Sexual Harassment Policy

Workplace Violence Prevention Policy

Employee Standards of Conduct