

	TOWN OF PARADISE VALLEY Administrative Policy	
	Title: DISCRIMINATION AND HARRASSMENT PREVENTION	Policy No. AP-04.2
Policy Owner: Gina Monger, Human Resources Director		
Approved By: Andrew Ching, Town Manager		
Authorized By: <i>Chapter 4: Code of Conduct, Town Employee Handbook</i>	Revision History: None	Effective Date: 06/23/2024

1. PURPOSE

- 1.1. This policy will provide further guidance for the administration of the provisions as authorized by *Chapter 4: Code of Conduct of the Town of Paradise Valley* (hereinafter referred to as the “Town”) *Employee Handbook*.
- 1.2. The Town is committed to 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 unlawful discriminatory practices, including harassment. Therefore, the Town expects that all relationships among persons in the workplace will be business-like and free of explicit bias, prejudice, and harassment.
- 1.3. The Town has developed this policy to ensure that all its employees can work in an environment free from unlawful discrimination, harassment, and retaliation. The Town will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

2. POLICY

- 2.1. This policy should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion to avoid allegations of harassment.
- 2.2. Any employee who has questions or concerns about these policies should talk with the Human Resources or their department director.

3. INDIVIDUALS AND CONDUCT COVERED

- 3.1. This policy apply to all applicants and employees, whether related to conduct engaged in by fellow employees or by members of the public, such as an outside vendor, consultant, or customer.
- 3.2. Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events. The Town will use its best efforts to prevent or mitigate such conduct even when it is engaged in by third parties and members of the public.

4. DISCRIMINATION

- 4.1. It is the policy of the Town to ensure equal employment opportunity without discrimination or harassment on the basis of race (including hairstyle/texture), color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law. The Town prohibits any such discrimination or harassment against any applicant or employee.
- 4.2. The law and the policies of the Town prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against discrimination, harassment, and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

5. HARASSMENT

- 5.1. Harassment on the basis of any other protected characteristic is strictly prohibited. Under this policy, harassment is verbal, written, or physical conduct that denigrates or shows hostility or aversion toward an individual because of their race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of their relatives, friends, or associates, and that:
 - 5.1.1. Has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
 - 5.1.2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
 - 5.1.3. Otherwise adversely affects an individual's employment opportunities.
- 5.2. Harassing conduct includes epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment by email, phone (including voice messages), text messages, social networking sites, or other means.

5.3. Sexual Harassment

- 5.3.1. Sexual harassment constitutes discrimination and is illegal under federal, state, and local laws. For the purposes of this policy, "sexual harassment" is defined, as in the *Equal Employment Opportunity Commission Guidelines*, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature which includes but is not limited to any of the following:
 - 5.3.1.1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
 - 5.3.1.2. Submission to, or rejection of, such conduct that is used as the basis for employment decisions.
 - 5.3.1.3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

- 5.4. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

6. REPORTING AN INCIDENT OF DISCRIMINATION, HARASSMENT, OR RETALIATION

- 6.1. The Town encourages reporting of all perceived incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor, Human Resources, or any Town manager.
- 6.2. The Town encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that their behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. The Town recognizes; however, that an individual may prefer to pursue the matter through formal complaint procedures outlined in this policy or as provided for in the administrative policy for employee grievances.

7. COMPLAINT PROCEDURE

- 7.1. Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, department director, or Human Resources.
- 7.2. The Town encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.
- 7.3. Any reported allegations of discrimination, harassment, or retaliation will be investigated promptly in accordance with the administrative policy for employee investigations. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
- 7.4. The Town will maintain confidentiality throughout the investigatory process to the extent consistent necessary to conduct a thorough investigation and take appropriate action.

8. RETALIATION

- 8.1. The Town prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.
- 8.2. 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, up to and including dismissal. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

9. CONSEQUENCES FOR VIOLATIONS

- 9.1.** Any violation of this policy may warrant disciplinary action up to and including dismissal.
- 9.2.** False and malicious complaints of harassment, discrimination, or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action up to and including dismissal.