

**Resolution Amending and re-stating the Non-Discrimination/Prohibited Harassment Policy Section 46 of the Cayuga County Policy Manual**

BY: Mr. Joseph Deforest, Chairperson, Government Operations

WHEREAS, Cayuga County is committed to providing a safe work environment that is free of unlawful discrimination and harassment; and

WHEREAS, consistent with its commitment, Cayuga County has long established policies that prohibit unlawful discrimination and harassment in the workplace, including Section 46, Non-Discrimination Prohibited Harassment Policy (adopted August 25, 2015, Resolution 245-15, which replaced Section 45, Sexual Harassment and Section 47, Sexual, Racial, and National Origin Harassment both policies adopted 5-25-10, Resolution No. 45-10); and

WHEREAS, in light of recent amendments to N.Y.S. Executive Law, Art. 15, § 290 et seq. (Human Rights Law), the Legislature finds that it is both prudent and necessary to amend and restate Section 46, Non-Discrimination and Prohibited Harassment in Employment Policy in the form attached hereto;

WHEREAS, the Legislature further recognizes and affirms the function that the Human Resources Administrator provides as the enforcing officer designated to assure that the policies adopted herein are complied with; now therefore it is hereby

RESOLVED, that the Board of Legislators hereby amends and restates Section 46 of the Cayuga County Policy Manual in the form attached hereto; and it is further

RESOLVED, that the Board of Legislators hereby designates the Human Resources Administrator as the lead enforcing officer for the policies adopted herein; and it is further

RESOLVED, that the Human Resource Administrator is hereby authorized to develop and implement such internal procedures and protocols (see, e.g., HR-1) for the investigation of reports of conduct that violates the County's Non-Discrimination Prohibited Harassment Policy and to recommend appropriate actions to remedy such violations; and it is further

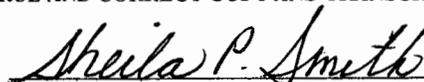
RESOLVED, that said Policy be numbered 46 in the Cayuga County Policy Manual, and distributed by the Clerk of the Legislature to all department heads, and it is further

RESOLVED, that the Human Resource Administrator shall take such steps as are necessary to distribute copies of the revised policy to all employees of the County, and it is further

RESOLVED, that this Resolution shall take effect immediately.

I HEREBY CERTIFY, THAT I HAVE COMPARED THE FOREGOING COPY OF A RESOLUTION DULY PASSED AND ADOPTED BY THE LEGISLATURE OF CAYUGA COUNTY AT A MEETING HELD ON THE 22nd DAY OF OCTOBER 2019 WITH THE ORIGINAL RESOLUTION, AND THAT THE SAME IS A TRUE AND CORRECT COPY AND TRANSCRIPT THEREOF, AND THE WHOLE THEREOF.

10-22-19 - 1:30PM

  
CLERK, CAYUGA COUNTY LEGISLATURE

## CAYUGA COUNTY POLICY MANUAL

### Section 46

**Policy:** Non-Discrimination and Prohibited Harassment (Sexual, Racial, National Origin, and Other Forms of Prohibited Harassment) in Employment

**Officer:** Human Resources Administrator

**Effective Date:** 9-24-19

**Resolution No.** 358 -19

**Supersedes Policy of:** 9-21-1999; 5-25-10 Resolution No. 255-10; 8-25-15 Resolution No. 264-15

**Replaces Policy:** Section 45 Sexual Harassment and Section 47 Sexual, Racial and National Origin Harassment (5-25-10 Resolution No. 255-10); amends and restates previous version of Section 46.

**Objective:** That all employees should be able to enjoy a work atmosphere free from all types of unlawful discrimination and harassment.

### Cayuga County's Policy

It is the policy of Cayuga County to maintain an employment environment in which the dignity and worth of each individual is respected. Accordingly, the County does not tolerate unlawful discrimination or harassment based on age, gender, pregnancy, race, color, national origin, citizenship, ancestry, religion, creed, age, physical or mental disability, familial status, marital status, military or veteran status, domestic violence victim status, genetic predisposition or carrier status, sexual orientation, self-identified or perceived gender, gender identity, gender expression, transgender status or any other basis protected by federal, state or local laws. Together, these personal characteristics are referred to in this policy as "Protected Characteristics." Further, the County will not tolerate harassment against an individual because the individual has opposed any practices forbidden under this policy or because the individual has filed a report, testified or assisted in any proceeding to enforce the terms of this policy or any State or federal law that protect these Protected Characteristics.

Discrimination occurs when it subjects an individual to inferior terms, conditions or privileges of employment because of the individual's Protected Characteristics. Examples of discrimination include job actions such as lower pay, a failure to promote, denial of a raise, or termination because of one or more protected characteristics. The County will not unlawfully discriminate in any area of employment, including compensation.

Prohibited harassment may include verbal or physical conduct, written or electronic communications, slurs, epithets, threats, derogatory comments, negative stereotyping, unwelcome jokes or gestures, and teasing based on any one of the Protected Characteristics

listed above that has the purpose or effect of creating an intimidating, hostile, or offensive work environment.

1. This policy applies to all employees, officers, elected officials, applicants for employment, interns (whether paid or unpaid), contractors, subcontractors, vendors, consultants, and all other persons conducting business, regardless of immigrant status with the County.

2. Discrimination or harassment in any form will not be tolerated. Any employee or individual who engages in such prohibited conduct or retaliation will be subject to remedial/disciplinary action (e.g., counseling, suspension, termination).

3. **Retaliation Prohibited:** Cayuga County strictly prohibits and will not tolerate retaliation against anyone who in good faith makes a report of discrimination or harassment or who participates in an investigation of a report of discrimination or harassment. Individuals who become aware of anyone engaging in retaliation prohibited by this policy should immediately report the matter to their supervisor, the head of their department, or the Human Resource Administrator. Any person who engages in retaliatory conduct prohibited by this policy will be subject to disciplinary action, up to and including termination of employment. All employees, paid or unpaid interns, or non-employees<sup>1</sup> working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or [name of appropriate person]. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment is a form of discrimination. Such conduct is offensive, a violation of our policies, unlawful, and may subject the County to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

5. Whenever management becomes aware of an instance of possible discrimination or harassment, the County will conduct a prompt and thorough investigation that ensures due process for all parties. The County will endeavor to keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever discrimination or harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation regarding discrimination or sexual harassment.

6. All employees are encouraged to report any harassment or behaviors that violate this policy. The HR Department will provide all employees with a report form for employees to report discrimination/harassment and file reports.

---

<sup>1</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

7. Managers and supervisors are **required** to report any report that they receive, or any harassment that they observe or become aware of, to Human Resources.

8. This policy must be provided to all employees, made available on the County's website, and given to new employees upon hiring.

## **What Is "Sexual Harassment"?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- (1) submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or advancement;
- (2) submission to or rejection of such conduct is used as basis for decisions affecting employment or professional advancement of an individual; or
- (3) such conduct has the purpose or effect of unreasonably interfering with the employee's ability to work or has the purpose or effect of creating an intimidating, hostile or offensive work environment.

Examples of sexual harassment can include, but are not limited to, the following:

- Offering employment benefits in exchange for sexual favors.
- Threatening reprisals if sexual favors are not provided.
- Leering, staring, stalking.
- Suggestive or sexually explicit gestures, pictures, jokes, emails, or comments about a person's sexuality or sexual experience which creates a hostile work environment.
- Sexist remarks and behavior, not necessarily designed to elicit sexual cooperation, but which degrade or insult based on sexism.
- Unwelcome physical conduct, such as pinching, hugging, or brushing up against a person.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look. Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - o Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:

- Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
- Sabotaging an individual's work; ○ Bullying, yelling, name-calling.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

### **Other Forms of Prohibited Harassment**

Harassment based on any Protected Characteristic is prohibited. While it is not possible to list all conceivable behaviors which might be considered harassing, the following are examples of prohibited behavior:

- Ethnic, racial, religious or other teasing or slurs, or jokes or comments that demean a person on the basis of race, color, religion, national origin, sexual orientation, age or disability.
- Mimicking or mocking another's race, color, religion, ethnicity, national origin, sexual orientation, age or disability.
- Racially or religiously offensive pictures, symbols, cartoons, or graffiti.

### **Reporting Harassment/Discrimination**

Preventing discrimination and sexual harassment is everyone's responsibility. The County cannot prevent or remedy discrimination or sexual harassment unless it knows about it. Any employee, paid or unpaid intern or nonemployee who has been subjected to behavior that may constitute discrimination or sexual harassment is encouraged to report such behavior to a supervisor, Department Head or the Human Resources Administrator. Anyone who witnesses or becomes aware of potential instances of discrimination or sexual harassment should report such behavior to a supervisor, Department Head, or the HR Administrator.

Reports of potential discrimination or harassment involving Department Heads, the Human Resources Administrator, the County Attorney, or a Member of the Legislature may be made to the Chair of the Legislature or the County Administrator. Reports of potential discrimination or

harassment involving the County Administrator may be made to the Chair; reports of potential discrimination or harassment involving the Chair may be made to the County Administrator. Even if an employee is unsure whether a certain behavior constitutes discrimination and/or harassment prohibited by this policy, employees are encouraged to report the situation so that it may be investigated, evaluated and, if necessary, addressed.

Reports of discrimination or sexual harassment may be made verbally or in writing. A form for submitting a written report is attached to this Policy, and all employees are encouraged to use this report form. Employees who are reporting sexual harassment on behalf of other employees should use the report form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

### **Supervisory Responsibilities**

**All** supervisors and managers who receive information concerning suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment has occurred or is occurring, are **REQUIRED** to report such suspected sexual harassment to Human Resources Department. The same is true regarding behavior or conduct that may be discriminatory in nature.

Appropriate action by supervisors may also include intervening immediately where necessary if the supervisor witnesses discriminatory or harassing behavior occurring.

Supervisors are equally subject to discipline if they have engaged in sexually harassing or discriminatory conduct themselves, or for failing to report suspected discrimination or sexual harassment or otherwise knowingly allowing discrimination or sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation towards any employee, intern or non-employee.

### **Report and Investigation of Sexual Harassment**

**All** reports or information about discrimination or sexual harassment in the workplace **will be investigated**, whether that information was received in verbal or written form. An investigation of any report, information or knowledge of suspected discrimination or sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected discrimination or sexual harassment. The County will not tolerate any form of retaliation against an employee who files a report under this policy, participates in an investigation, assists another

employee with filing a report, or testifies in support of their own or another employee's report alleging a violation of this policy.

While each report may be investigated differently depending upon the particular circumstances, the County will generally follow the protocols outlined in the Human Resources Manual (HR-1). The investigation may include interviews of appropriate individuals (e.g., the person complaining, the accused, possible witnesses, etc.), obtaining and preserving relevant documents as well as securing emails, phone records or other electronically stored materials. These matters can be extremely sensitive and the County, as an employer, is committed to maintaining confidentiality to the greatest extent possible; however, information may need to be disclosed as reasonably necessary to investigate a report, to institute appropriate remedial action, and as required by law.

The County reserves the right to take action to remediate/discipline employee behaviors that violate the County's policies even if the conduct does not rise to the level of violating the law.

The County will promptly report to both the alleged target of the discrimination or sexual harassment and the alleged perpetrator of the final determination and implement the corrective action identified in the written determination. The County will also inform the person who filed the report of their right to file a complaint with outside enforcement agencies.

## **Legal Protections and External Remedies**

Discrimination on the basis of any of the Protected Characteristics described above is not just a violation of County policies – it is a violation of State and Federal Law.

The following agencies enforce laws prohibiting discrimination and sexual harassment. An individual who has experienced discrimination or harassment may file a report with the County only, may file a report with an enforcement agency in addition to filing with the County, or may file only with an enforcement agency. Complaining internally to the County does not extend your time to file with an enforcement agency or in court. You do not need an attorney to file a report with an enforcement agency and there is no cost to file with an enforcement agency.

You do not need an attorney to file a report with these agencies, although you have the right to have an attorney assist you.

The **New York State Division of Human Rights (DHR)** enforces the **Human Rights Law (HRL)**, codified as N.Y. Executive Law, Art. 15, § 290 et seq. The HRL prohibits discrimination and sexual harassment in employment in New York State, and protects employees, and other individuals working in an employer's workplace. An individual who wishes to file a report with DHR must do so within **one year** of the offending conduct. Under recent amendments to the HRL effective August 12, 2020, if the offending conduct occurs on or after August 12, 2020, and it involves claims of sexual harassment, the employee will have **three years** to file a complaint with DHR.

If the individual does not file with DHR, he or she may file a complaint in New York State Supreme Court provided the complaint is filed within **three years** of the harassment. A complainant may

not file with DHR if they have already filed a complaint in Supreme Court. The DHR will investigate the report to determine if unlawful harassment occurred and if the circumstances amount to a violation of the law. If unlawful discrimination is found after a hearing, the DHR or the court may award relief, which varies, but may include requiring the employer to take action to stop the harassment, or redress the damage caused, including reversing an unlawful employment action, paying monetary damages, attorneys' fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400 [www.dhr.ny.gov](http://www.dhr.ny.gov). The DHR can be contacted at (888) 392-3644 or visit [dhr.ny.gov/report](http://dhr.ny.gov/report) for more information about filing a report. The website has a report form and contact information for DHR's regional offices across New York State.

The **United States Equal Employment Opportunity Commission (EEOC)** enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An employee must file a report with the EEOC within **300 days** from the conduct giving rise to the report. The EEOC also investigates reports, but does not hold hearings or award relief. The EEOC may take other action including pursuing cases in federal court on behalf of complaining parties, or issuing a Right to Sue Letter that allows an individual to pursue his/her claims in federal court. Federal courts may award remedies if discrimination is found to have occurred.

The EEOC can be contacted by calling 1-800-669-4000 (1-800-669-6820 (TTY)), or visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov). If an individual files an administrative report with DHR, DHR will file the report with the EEOC to preserve the individual's right to proceed in federal court.

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. An employee who believes that a crime has been committed, or if the employee believes he/she is in physical danger, is urged to file a report with the local police department immediately.

Cayuga County will take swift and appropriate corrective action when it determines that unlawful discrimination or harassment has occurred. Disciplinary action, up to and including termination of employment, may be taken where appropriate, and discipline may not necessarily be administered progressively.

Please note that while this policy sets forth the County's goal of promoting a workplace that is free of unlawful discrimination and harassment, the policy is not designed or intended to limit the County's authority to discipline or take remedial action for workplace conduct which it deems unprofessional, inconsistent with County standards, or otherwise inadvisable behavior, regardless of whether that conduct satisfies the legal definition of unlawful discrimination or harassment.

**Note: This policy shall be reviewed periodically by the Human Resource Administrator.** Any revisions approved by the Legislature shall be distributed to departments.



Cayuga County Department of Human Resources And Civil Service Commission

## Combating Sexual Harassment In the Workplace

### REPORT FORM

Cayuga County is committed to establishing and maintaining a safe working environment for its employees that is free of discrimination in any form, including sexual harassment. Sexual harassment/discrimination is a violation of Cayuga County policies as well as a violation of the law. Sexual harassment is a form of employee misconduct and will not be tolerated. A County employee who is experiencing harassment or suspects that another employee is being harassed should contact a supervisor, department head, Human Resources Administrator, County Attorney, or Chair of the Legislature.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Human Resources Administrator, Lisa Lippoldt, [lippoldt@cayugacounty.us](mailto:lippoldt@cayugacounty.us), (315)253-1480. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, the HR Administrator will complete this form, provide you with a copy, and follow the County's sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

**For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](http://ny.gov/programs/combating-sexual-harassment-workplace)**

#### REPORTING PERSON INFORMATION:

Your Name\*: \_\_\_\_\_

Your Job Title: \_\_\_\_\_

Your Work Address: \_\_\_\_\_

Your email: \_\_\_\_\_

Your contact telephone: \_\_\_\_\_

Your preferred method of communication regarding this matter: Email Phone In person

*\*You may submit a report anonymously. However, please understand that the County's ability to investigate and to respond to anonymous information may be limited.*

#### SUPERVISORY INFORMATION

Immediate Supervisor's Name: \_\_\_\_\_



Cayuga County Department of Human Resources And Civil Service Commission

Combating Sexual Harassment In the Workplace

REPORT INFORMATION

1. This report regarding sexual harassment/discrimination concerns the following individual(s):

Name: Title:
Work address: Phone:
Relationship to you: [ ]Supervisor [ ]Subordinate [ ]Co-Worker [ ]Other

Name: Title:
Work address: Phone:
Relationship to you: [ ]Supervisor [ ]Subordinate [ ]Co-Worker [ ]Other

Please describe the conduct or incident(s) that you are concerned about and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence currently available to you.

Four horizontal lines for describing the incident.

2. Provide the date or dates that the incident(s) occurred. You may approximate, if you don't know the exact date(s):

Horizontal line for date information.

3. Is the conduct continuing? [ ]Yes [ ]No

4. Please provide the name(s) and contact information of any witnesses to the incident(s):

Two horizontal lines for witness information.

5. Please provide the names of any individuals that may have additional information related to the incident(s) of concern:



Cayuga County Department of Human Resources And Civil Service Commission

**Combating Sexual Harassment In the Workplace**

---

---

---

- 6. If you have any documents or writings (letters, correspondence, emails, text messages, photos, etc.) related to the incident(s) described herein, please attach to this report.
  
- 7. Have you previously reported or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

---

---

---

- a. If so, to your knowledge, what action, if any, was taken in response to your report?

---

---

---

If you have retained legal counsel and would like us to work with them, please provide their contact information.

---

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**THANK YOU FOR REPORTING THIS INFORMATION. WE WILL BE IN TOUCH WITH YOU PROMPTLY. IF ANY ADDITIONAL INCIDENTS OCCUR, INCLUDING IF YOU EXPERIENCE ANY ACT OF RETALIATION, PLEASE INFORM HUMAN RESOURCES IMMEDIATELY.**

**CAYUGA COUNTY HUMAN RESOURCES POLICY**  
**Policy HR-1**

**Subject:** Process for resolving reports of Sexual Harassment or other Discrimination.

**Effective Date:** 9/01/19

**Policy Title:** Protocol for Investigating and Resolving Reports Involving Sexual Harassment or Other Forms of Discrimination

**Objective:** To provide a procedure for investigating and resolving reports of inappropriate or unlawful sexual harassment, discrimination or other misconduct in the workplace.

**Policy:**

Cayuga County has established policies that prohibit unlawful discrimination or harassment based on age, gender, pregnancy, race, color, national origin, citizenship, ancestry, religion, creed, age, physical or mental disability, familial status, marital status, military or veteran status, domestic violence victim status, genetic predisposition or carrier status, sexual orientation, self-identified or perceived gender, gender identity, gender expression, transgender status or any other basis protected by federal, state or local laws. Together, these personal characteristics are referred to in this policy as "Protected Characteristics."

Cayuga County is committed to the principle that discrimination or harassment in the workplace infringes on an employee's right to a safe work environment and is a form of employee misconduct that undermines that integrity of the employment relationship. (See, Cayuga County Policy Manual, Chapter 46)

This policy outlines the responsibilities of the Human Resources Department as the lead department in investigating and resolving reports of discrimination and/or harassment within the workplace.

**Background:**

An individual who has experienced discrimination or harassment may file a report with the County only, may file a report with an enforcement agency in addition to filing with the County, or may file only with an enforcement agency. Reporting such incidents internally to the County will enable the County to redress the situation, however, it does not extend the employee's time to file with an enforcement agency or in court.

The Division of Human Rights ("DHR") enforces the New York State Human Rights Law (HRL), codified as N.Y. Executive Law, Art. 15, § 290 et seq. The HRL is the State law that prohibits discrimination or harassment based upon Protected Characteristics. The State has developed model policies and protocols for enforcing those prohibitions. An individual who wishes to file a report with DHR must do so within **one year** of the offending conduct. Under recent amendments to the HRL effective August 12, 2020, if the offending conduct occurs on or after August 12, 2020, and it involves claims of sexual harassment, the employee will have **three years** to file a complaint with DHR.

If the employee chooses to sue directly in State Supreme Court, they must do so within **three years**

of the events giving rise to the complaint. An employee may not simultaneously sue in Supreme Court and file a complaint with DHR.

Discrimination and harassment is also a violation of federally protected rights. The Equal Employment Opportunity Commission enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An employee must file a report with the EEOC within **300 days** from the conduct giving rise to the report.

While the remainder of this protocol will reference primarily sexual harassment prevention, these same protocols will be followed with the same degree of vigilance in the event a report is received that involves any of the Protected Characteristics described above.

**ALL REPORTS OF DISCRIMINATION OR SEXUAL HARASSMENT MUST BE INVESTIGATED REGARDLESS OF WHETHER THE REPORT IS RECEIVED VERBALLY OR IN WRITING.** Cayuga County has an obligation to investigate all reports regardless of whether the person bringing the report or who is the subject of the alleged discriminatory or harassing behavior states that an investigation is unnecessary.

The County understands that these matters can be extremely sensitive and will keep the investigation confidential to the extent possible, so long as in doing so, the investigation itself is not inhibited. The County will not tolerate retaliation against any employee who acts in good faith in reporting discrimination or sexual harassment or who provides information in support of any such report.

### **Investigation Procedure**

The County regards sexual harassment as a very serious matter and prohibits such harassment in the workplace by any person in any form. Anyone who violates this policy may be subject to disciplinary action, up to and including termination.

### **Filing a Report**

**Preventing discrimination and sexual harassment is everyone's responsibility.** Discrimination or harassment in any form is a violation of this policy is a form of employee misconduct.

1. A County employee who is experiencing discrimination or harassment or suspects that another employee is being harassed should immediately report the incident(s) to his or her supervisor, department head, the Human Resources Administrator, County Attorney, County Administrator, or Chair of the Legislature. The County cannot respond to or remedy an incident of discrimination or harassment if the County is not aware of it.
2. A County employee with supervisory responsibility who receives a report or otherwise becomes aware of information regarding harassment occurring in the workplace **is required** to report the same to the Human Resources Administrator regardless of whether the complainant is undecided about filing a report.. Failure to report known incidents of discrimination or harassment will subject a supervisor, department head or other managerial individual to discipline up to and including termination.
3. A supervisor who witnesses an incident of discrimination or harassment in their presence should take steps to intervene, with the primary goal of protecting the victim from further or

continued discrimination/harassment. , Persons with supervisory responsibility over other County employees will be subject to discipline for knowingly allowing harassment to continue.

4. The County of Cayuga will not tolerate retaliation against any employee for reporting incidents of sexual harassment or otherwise participating in an investigation. Retaliation is against the law. Retaliation includes any discipline, change in working conditions, refusal to cooperate with, hazing, shunning, or other harassment of an employee because that employee has resisted, reported, or participated in an investigation concerning sexual harassment or discrimination.
5. Nor will the County tolerate the filing of a false report of discrimination or harassment in bad faith (for reasons other than the protection of a victim of discrimination or harassment). The filing of a false report will subject the employee to discipline up to and including termination.

### **Procedures for Investigation of a Report**

1. All reports regarding sexual harassment or other forms of discrimination will be investigated regardless if the report is received verbally or in writing. Investigations will be conducted in a timely, fair, and impartial manner and will be kept confidential to the extent possible.
2. All employees are required to cooperate as needed in an investigation of suspected sexual harassment or discrimination. The County will not tolerate retaliation against employees who file reports, support another's report or participate in an investigation regarding a violation of this policy.
  - Upon receipt of report, the Human Resource Administrator, together with counsel, will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If report is verbal, encourage the individual to complete the "Report Form" in writing. If he or she refuses, prepare a Report Form based on the verbal reporting.
  - If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
  - Request and review all relevant documents, including all electronic communications.
  - Interview all parties involved, including any relevant witnesses; the Human Resource Administrator or designee may have a stenographic, video or audio record made of the interviews at their sole discretion.
  - Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
    - A list of all documents reviewed, along with a detailed summary of relevant documents;

- A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
  - Promptly notify the individual who reported and the individual(s) about whom the report was made of the final determination and implement any corrective actions identified in the written document.
  - Inform the individual who reported the discrimination/harassment of the right to file a complaint with an external agency as outlined in the next section.
  - The alleged harasser shall also be informed whether the allegations are deemed founded or unfounded and what remedial action, if any, is to be implemented. If discipline is deemed necessary, the harasser shall be informed of his rights pursuant to any applicable provision of law or collective bargaining agreement.
3. As soon as is reasonably possible after completing the investigation of reported sexual harassment or discrimination, the Human Resources Administrator shall prepare a written record for county records outlining: the information collected during the investigation and the conclusions of the Administrator reached regarding the report. This report will be deemed a confidential personnel record to the extent allowed by law and shall be presented to the county officers charged with the responsibility of carrying out remedial action and in a position to determine what disciplinary actions should be taken, if any. Normally, this would include the Department Head, the County Attorney, the Chairman of the Legislature, and the County Administrator.
  4. The Human Resources Administrator shall maintain all documents and records created in compliance with paragraphs 3-5 above for a period of at least three years from the date of the incident(s) under investigation. The County shall keep all such records confidential subject to disclosure as required by law.
  5. The alleged harasser's simple denial of the charges against him or her will not be sufficient to conclude the investigation of the report. Instead, such denial will be carefully weighed in light of the complainant's statement and any evidence supporting that statement collected from other witnesses. Although corroborative evidence is desirable, it is recognized that additional witnesses are not always available. If, in such circumstances, it appears a reasonable person would conclude that more likely than not that the harassment occurred, the Human Resources Administrator may come to that conclusion. If, however, no such determination can be made, remedial action may nevertheless be deemed to be appropriate if the facts justify it.
  6. If it is determined that the alleged harasser has engaged in conduct constituting sexual harassment, remedial action shall be taken as soon as possible and the harasser may be

subject to discipline, all designed to stop the harassment and prevent its recurrence. Depending on the severity of the harassment, such remedial action and/or discipline of the harasser may include change in schedule, transfer, suspension, fine, demotion and/or discharge. Sexual harassment by the complainant's supervisor shall be treated in the most serious manner.

7. **CONFIDENTIALITY:** Confidentiality is very important to any sexual harassment investigation. A county employee who obtains information concerning the matter in his/her County capacity and who gives the information to someone without a need to know may be subjected to appropriate discipline. Unless the facts of the case justify otherwise, generally the only persons to have knowledge of the investigation are persons involved in the investigation or the creating or implementing of remedial or disciplinary actions or other consequences resulting from it. Since the employer needs to know the facts to properly prevent the reoccurrence of the incident and to carry out the actions determined to be necessary, there are certain officers that will normally be considered to have a need to know if the investigation results in a need for remedial action. Those officers are: the Chairman of the Legislature; the County Attorney; the Chairman of the Oversight Committee; the Department Head; the Human Resources Administrator and any clerical persons assisting them such as a note taker making a record of witness statements; and the Civil Service Commissioners if any consequential matter is referred to them for any type of action; Union Representatives if a union member is involved and if their involvement has been requested; any legal counsel assisting him/her in the matter; and Supervisors of the individuals involved in the incident(s).



**Cayuga County Department of Human Resources  
And Civil Service Commission**

**Combating Sexual Harassment In the Workplace**

**REPORT FORM**

Cayuga County is committed to establishing and maintaining a safe working environment for its employees that is free of discrimination in any form, including sexual harassment. Sexual harassment/discrimination is a violation of Cayuga County policies as well as a violation of the law. Sexual harassment is a form of employee misconduct and will not be tolerated. A County employee who is experiencing harassment or suspects that another employee is being harassed should contact a supervisor, department head, Human Resources Administrator, County Attorney, or Chair of the Legislature.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Human Resources Administrator, Lisa Lippoldt, [llippoldt@cayugacounty.us](mailto:llippoldt@cayugacounty.us), (315)253-1480. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, the HR Administrator will complete this form, provide you with a copy, and follow the County's sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

**For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](http://ny.gov/programs/combating-sexual-harassment-workplace)**

**REPORTING PERSON INFORMATION:**

Your Name\*: \_\_\_\_\_

Your Job Title: \_\_\_\_\_

Your Work Address: \_\_\_\_\_

Your email: \_\_\_\_\_

Your contact telephone: \_\_\_\_\_

Your preferred method of communication regarding this matter: Email Phone In person

*\*You may submit a report anonymously. However, please understand that the County's ability to investigate and to respond to anonymous information may be limited.*

**SUPERVISORY INFORMATION**

Immediate Supervisor's Name: \_\_\_\_\_



**Cayuga County Department of Human Resources  
And Civil Service Commission**

**Combating Sexual Harassment In the Workplace**

**REPORT INFORMATION**

1. This report regarding sexual harassment/discrimination concerns the following individual(s):

Name:

Title:

Work address:

Phone:

Relationship to you: Supervisor Subordinate Co-Worker Other

Name:

Title:

Work address:

Phone:

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe the conduct or incident(s) that you are concerned about and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence currently available to you.

---

---

---

---

---

---

3. Provide the date or dates that the incident(s) occurred. You may approximate, if you don't know the exact date(s):

---

4. Is the conduct continuing? Yes No

5. Please provide the name(s) and contact information of any witnesses to the incident(s):

---

---



**Cayuga County Department of Human Resources  
And Civil Service Commission**

**Combating Sexual Harassment In the Workplace**

6. Please provide the names of any individuals that may have additional information related to the incident(s) of concern:

---

---

---

7. If you have any documents or writings (letters, correspondence, emails, text messages, photos, etc.) related to the incident(s) described herein, please attach to this report.

8. Have you previously reported or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

---

---

---

a. If so, to your knowledge, what action, if any, was taken in response to your report?

---

---

---

If you have retained legal counsel and would like us to work with them, please provide their contact information.

---

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**THANK YOU FOR REPORTING THIS INFORMATION. WE WILL BE IN TOUCH WITH YOU PROMPTLY. IF ANY ADDITIONAL INCIDENTS OCCUR, INCLUDING IF YOU EXPERIENCE ANY ACT OF RETALIATION, PLEASE INFORM HUMAN RESOURCES IMMEDIATELY.**