



## VILLAGE OF SARANAC LAKE HARASSMENT ANTI-DISCRIMATORY POLICY

**ADOPTED APRIL 15, 2024**

The question of the adoption of the foregoing resolution was duly put to a vote on April 15<sup>th</sup>, 2024 roll call which resulted as follows:

Motion: Scollin, Second: White.

Roll Call: Brunette no; Ryan yes; Scollin yes; White no; Williams yes.

I, Amanda Hoef, Village Clerk of the Village of Saranac Lake, Franklin County, New York, hereby certify that I have compared the preceding Resolution with the original thereof filed in my office and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Village of Saranac Lake this 15th day of April 2024.

Amanda Hoef  
Village Clerk

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**Village of Saranac Lake**  
**Anti-Discrimination and**  
**Harassment (Including Sexual Harassment) in the Workplace**

**I. POLICY STATEMENT**

It is the policy of the Village of Saranac Lake to promote a productive work environment and to prohibit conduct by any employee that disrupts or interferes with another's work performance or that creates an intimidating, offensive, or hostile work environment. In keeping with this goal, the Village of Saranac Lake is committed to educate employees in the recognition and prevention of workplace discrimination and harassment, including sexual harassment, and to provide an effective means of eliminating such harassment from the workplace. Any conduct that discriminates against, denigrates or shows hostility or aversion towards a person on the basis of gender, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, genetic predisposition, sexual orientation, or any other protected status is strictly prohibited.

In short, the Village will not tolerate any form of harassment, including sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such harassment the workplace. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of harassment, including sexual harassment, without any risk of repercussion to an employee who, in good faith, files such complaint.

**II. APPLICABILITY OF POLICY**

This policy applies to all Elected Officials, employees, supervisors, and Department Heads, whether employed full or part-time, temporary or seasonal, whether elected or appointed and regardless of compensation level, and all personnel in a contractual relationship with the Village. Depending on the extent of the Village's exercise of control, this policy may be applied to the conduct of non-Village employees with respect to harassment of Village employees in the workplace.

**III. SUPERVISORY RESPONSIBILITY**

Department Heads and supervisory personnel are responsible for ensuring a work environment that is free from harassment including sexual harassment. Supervisors must take immediate and appropriate corrective action when instances of harassment come to their attention in order to assure compliance with this policy.

#### **IV. PROHIBITED ACTIVITY**

No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any person. Employees shall not make offensive or derogatory comments based on race, color, sex, religion, national origin, or any other protected status either directly or indirectly to another person. Employees shall not produce offensive or inappropriate written materials (e.g. letters, email message, or graffiti.) These are examples of harassment that are a prohibited form of discrimination under State and Federal employment law and also considered misconduct subject to disciplinary action by the Village; it is not intended to be a comprehensive list and does not limit the Village's ability to take disciplinary action in other appropriate instances.

#### **V. DEFINITION OF SEXUAL HARASSMENT**

This policy places special attention on the prohibition of sexual harassment in the workplace. Sexual advances that are not welcome, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a) Submission to such conduct is made either explicitly or implicitly a term of condition of an individual's employment; OR
- b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, such as promotion, transfer, or termination, affecting such individual; OR
- c) 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.

Sexual harassment refers to behavior that is not welcome, that is personally and objectively offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with an employee's work performance and/or effectiveness or creates an intimidating, hostile or offensive working environment. Exposure to such conduct that serves to alter the terms and conditions of employment is prohibited by this policy and state and federal law.

#### **VI. FORMS OF SEXUAL HARASSMENT**

Specific forms of behavior that the Village of Saranac Lake considers sexual harassment and which are prohibited include, but are not limited to the following:

- a) Quid pro quo threats or promises by a supervisor (loss of job or promise of job, promotion, or other employment benefit).
- b) Verbal harassment of a sexual nature related to an employee's gender, including sexual innuendoes, slurs, sexual slurs, suggestive, derogatory,

insulting or lewd comments or sounds, whistling, jokes of a sexual nature, sexual propositions and/or threats.

- c) Sexually oriented comments about an employee's body that are unwelcome and/or unreasonably interfere with an employee's work performance or create an intimidating, hostile, or offensive working environment.
- d) Any sexual advance that is unwelcome or any demand for sexual favors.
- e) Sexually suggestive written, recorded or electronically transmitted material, showing or displaying pornographic or sexually explicit objects or picture, graphic commentaries leering or obscene gestures in the workplace such that it unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment.
- f) Physical contact of any kind which is not welcome, including touching, grabbing, hugging, fondling, jostling, petting, pinching, coerced sexual intercourse or sexual relations, assault or intentional brushing up against a person's body.

## **VII. REPORTING OF HARASSMENT (including Sexual Harassment)**

Employees are encouraged to report incidents of harassment (including sexual harassment) to their Department Head and/or Village Manager as soon as possible after their occurrence. If the employee's Department Head is believed to be involved in the incident, the report should be made directly to the Village Manager. If the Village Manager is the source of the alleged harassment, the employee should report the problem to the Mayor or any Village Board member. Employees who believe they have been harassed and would like to obtain guidance as to how to proceed in filing a complaint, should contact their immediate supervisor, their Department Head, the Village Manager, the Mayor, or any member of the Village Board. Employees who work during off-hours are encouraged to contact their supervisor, their Department Head, the Village Manager, the Mayor, or any member of the Village Board at home if these individuals do not work during the employee's shift.

## **VIII. WORKPLACE HARASSMENT (including Sexual Harassment) COMPLAINT FORM**

To ensure that all harassment complaints are managed appropriately, effectively and in accordance with the Village's policy, harassment complaints, including sexual harassment complaints, will be recorded in writing by using the Village sanctioned Workplace Harassment Complaint Form. These forms can be obtained from the Village Manager's Office. If needed, additional guidance can be obtained from the Village Manager's Office.

**IX. CONFIDENTIALITY**

Complaints of harassment will be handled and investigated promptly and in a manner that is as impartial and confidential as possible. In no event will information concerning a complaint be released by the Village to third parties or to anyone within the Village employment who is not directly involved in the investigation or handling of the complaint unless otherwise required by law.

**X. INVESTIGATION OF COMPLAINT**

The Village Manager will determine the appropriate individual (s) to conduct the investigation. The investigation 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. Any complaints received will be investigated promptly, thoroughly, and in as impartial a manner as possible. All employees are required to cooperate in an investigation, if so directed.

**XI. EMPLOYEE OR ELECTED OFFICIAL DEFENSE**

Any employee or Elected Official charged with sexual harassment will be afforded a full and fair opportunity to offer and present information in their defense. Such information will be confidential to the extent possible.

**XII. EMPLOYEE RIGHTS**

Nothing in this policy should be construed as in any way limiting employees' rights to use the Dispute Resolution Procedure as described in the Village of Saranac Lake Employee Handbook or any grievance procedure contained in a collective bargaining agreement. Employees also have the right to file a formal complaint with appropriate state or federal agencies responsible for administering anti-discrimination laws.

**XIII. DISCIPLINARY ACTION**

Any employee or official who is found to have committed an act of workplace harassment including sexual harassment will be subject to disciplinary action, up to and including termination of employment, as provided by Village operating procedures including Civil Service Law Section 75 or the disciplinary procedures contained in a collective bargaining agreement, whichever is applicable. Any Elected Official who violates this policy will be subject to remedial action as provided for and/or allowed under NYS Public Officers Law, as well as any other applicable statutes. Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, to the extent that the Village is empowered to take such action.


**XIV. PROHIBITION AGAINST RETALIATION**

Intimidation, coercion, threats, reprisal or discrimination against any employee who in good faith brings a written or verbal complaint or who assists or aids in the investigation of such a complaint is prohibited. Any employee who participates in the procedure may do so without fear of retaliation. Retaliation against any employee who has filed a discrimination or harassment complaint is prohibited and may result in disciplinary action up to and including termination of employment.

**XV. TRAININGS**

Training regarding Diversity and Harassment will be completed annually.

This Anti-Discrimination and Harassment Policy was adopted on this 15<sup>th</sup> day of April, 2024



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Mayor Williams

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Trustee Brunette



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Trustee Ryan



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Trustee Scollin

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Trustee White