

APPROVED  _____

ANTI-DISCRIMINATION IN BOROUGH SERVICES, PROGRAMS, AND ACTIVITIES
POLICY

I. GENERAL

The Fairbanks North Star Borough is committed to a policy of nondiscrimination and pursues the equal treatment of all people it serves.

II. PURPOSE

To ensure equal and nondiscriminatory treatment exists for all people served by the Borough in accordance with all state, federal, and local laws and policies.

III. RESPONSIBILITY

- A. Department directors shall ensure that their department staff follows the procedure set forth in this policy.
- B. Compliance with this policy is the responsibility of all Borough employees.
- C. Information concerning anti-discrimination laws and policies is available from the EEO/Compliance Officer.
- D. Human Resources shall maintain this policy.

IV. POLICY

A. Statement of Policy

It is the policy of the Borough to provide equal treatment without regard to race, color, age, religion, sex, sexual orientation, gender identity, national origin, marital status, change in marital status, pregnancy, parenthood, creed, veteran's status, veteran's disability, physical disability, or mental disability. The Borough intends that all Borough services, programs, and activities be free of unjust discriminatory practices.

B. Public Access to Borough Services, Programs, and Activities

- 1. No individual with a physical or mental disability that substantially limits one or more of the individual's major life activities may be excluded from or denied the opportunity to participate in the services, programs, or activities of the Borough when the individual can be reasonably accommodated as required by law.
- 2. The Borough will strive to provide, within the limits of available resources and staffing, reasonable accommodations to individuals with disabilities so that they may take part in or benefit from the services, programs, or activities offered.

3. The Borough will make reasonable modifications and adjustments to services, programs, and activities, provided such adjustments would not result in a fundamental alteration of the affected service, program, or activity, lower the standard of the program, or result in an undue financial or administrative burden, and provided that the individual with the disability's participation does not pose a direct threat to the health and safety of others. The Borough determinations of this matter will be based upon the principles and requirements contained in the Americans with Disabilities Act (ADA) of 1990 as amended and Section 504 of the Rehabilitation Act of 1973 as amended.
 4. The Borough Mayor has designated the EEO/Compliance Officer as the Borough ADA Coordinator, responsible for the Borough's compliance with Title II of the ADA.
- C. Discrimination, harassment, and/or bullying by a Borough employee against Borough patrons, vendors, or customers constitutes prohibited employee misconduct. Discrimination, harassment, and/or bullying by a Borough vendor or contractor against Borough patrons, vendors, or customers are likewise prohibited.

Harassment includes but is not limited to any verbal, written, or physical conduct relating to race, color, age, religion, sex, sexual orientation, gender identity, national origin, marital status, changes in marital status, pregnancy, parenthood, creed, veteran's status, veteran's disability, or physical or mental disability that is sufficiently severe, pervasive, or persistent that it substantially interferes with or limits an individual's work performance or creates an intimidating, hostile, or offensive environment. Examples of prohibited behavior that the FNSB does not tolerate include but are not limited to:

1. telling ethnic jokes,
2. using offensive "slurs" or other derogatory terms denoting a person's race, age, national origin, religion, gender identity or disability,
3. mimicking an individual's speech, accent or disability,
4. verbal or physical bullying.

While a single incident of offensive conduct, remarks or display will generally not create a hostile environment unless it is severe, such behavior is inappropriate.

Borough employees have the responsibility to immediately report any discriminatory, harassing, or bullying conduct by a supervisor, co-worker, vendor, or other individual against any patron, vendor, or customer. Employees may report the incident to their manager/supervisor, the next level of management if the complaint involves their manager/supervisor, the EEO/Compliance Officer, or the Human Resources Director.

- D. Supervisors, managers, and directors shall immediately report any observed or alleged discrimination, harassment, or bullying to the EEO/Compliance Officer and/or the Human Resources Director. Immediate, effective, and appropriate action should be taken to remedy any discrimination, harassment, or bullying.

V. PROCEDURES

A. Complaint Reporting Procedure

This procedure provides specific guidance for handling complaints of discrimination, harassment, or bullying in provision of Borough services, programs, and activities. The Borough attempts to resolve complaints at the lowest possible administrative level. The right to file a complaint of discrimination is protected by law, and retaliation against the complainant or anyone who assists or participates in an investigation, proceeding, or hearing is expressly prohibited. Every Borough Employee must be aware of their role and all actions should conform to this procedure.

1. Any individual who believes that they have witnessed or been subjected to discrimination should promptly report such conduct.
2. Individuals who believe they have witnessed or have been the subject of discrimination have the right to file an informal complaint with any Borough employee. Upon receipt of an informal complaint, Borough employees shall promptly, within five (5) working days, notify their department director, the Human Resources Director, or the EEO/Compliance Officer. Complaints shall be filed within a reasonable time period following the alleged discriminatory act. Upon receipt of a complaint the EEO/Compliance Officer and Human Resources Director will confer to determine whether the complaint alleges behavior that violates this policy. The EEO/Compliance Officer or designee shall investigate complaints alleging violations of this policy.
3. Before conducting a formal investigation the EEO/Compliance Officer will notify individuals of the option to pursue informal resolution. Attempting informal complaint resolution is encouraged but not required.
4. Complainants who do not pursue or are not satisfied with attempted informal resolution may promptly request a formal investigation. The complainant must provide a clear and concise description of the alleged discrimination, harassment, or bullying.
5. The EEO/Compliance Officer will accept oral or written complaints. Alternative means of complaint submission shall be available to individuals with disabilities who request accommodation.
6. As soon as practicable, the EEO/Compliance Officer shall contact the complainant. The EEO/Compliance Officer will also direct the complainant to this policy and any other relevant policies.
7. The EEO/Compliance Officer shall conduct a timely and thorough investigation. Investigations will normally be concluded within 45 days. If an investigation will take longer, the complainant and respondent will receive written notice of the anticipated completion date. The investigation will include the following steps:
 - a. Inform the complainant of their rights and responsibilities in the complaint process;
 - b. Explain the complaint procedures and any other avenues of redress available to the complainant;
 - c. Maintain a written record of all actions and attempts at resolution.

8. Employees are obligated to cooperate in the investigation. This obligation includes, but is not necessarily limited to:
 - a. Coming forward with evidence, both favorable and unfavorable, concerning alleged discrimination, harassment, or bullying;
 - b. Fully and truthfully making a written report under oath upon request;
 - c. Orally answering questions when required to do so by an investigator during the course of an investigation.
9. The EEO/Compliance Officer will present written findings of investigations and any recommendations to the Borough Mayor or designee for concurrence. If the EEO/Compliance Officer finds by a preponderance of the evidence that this policy has been violated, or receives evidence that any other workplace policy has been violated, then the matter may be referred to the Human Resources Department.
10. Upon conclusion of the investigation the EEO/Compliance Officer will notify the complainant and respondent (if applicable) whether the allegations have been substantiated.
11. Confidentiality will be preserved consistent with applicable laws and the Borough's duty to investigate and address complaints.
12. A complainant dissatisfied with the EEO/Compliance Officer's decision may request a review by the Borough Mayor within fifteen (15) calendar days of issuance of the EEO Officer's decision. The Borough Mayor shall review and issue a determination, which is the final review within the Borough.
13. Regardless of whether the complainant pursues resolution through the Borough's internal complaint process, the complainant has the right to file a complaint with one or all of the following:

Alaska State Commission for Human Rights
800 A Street, Suite 204
Anchorage, Alaska 99501-3669
1-800-478-4692
TTY/TDD 1-800-478-3177

United State Department of Justice
Civil Rights Division
950 Pennsylvania Ave NW
Disability Rights Section (NYAV)
Washington, D.C. 20530
Voice 1-202-514-0301
TDD 1-800-514-0383
Fax 1-202-307-1197

United State Department of Justice
Civil Rights Division
950 Pennsylvania Ave NW
Housing and Civil Enforcement Section
Washington, D.C. 20530
Voice 1-202-514-4713

TTY 1-202-305-1882
Fax 1-202-514-1116

B. Contact Information to pursue a Borough complaint:

1. Fairbanks North Star Borough EEO/Compliance Officer:

Mr. Brad Lobland
907 Terminal Street
P.O. Box 71267
Fairbanks, AK 99707
907/459-1309
brad.lobland@fnsb.us

2. Fairbanks North Star Borough Human Resources Director:

Ms. Michelle Michel
907 Terminal Street
P.O. Box 71267
Fairbanks, AK 99707
907/459-1207
michelle.michel@fnsb.us

VI. SUPPLEMENTAL INFORMATION

A. References

1. Civil Rights Act of 1964 as amended.
2. Alaska Statute 18.80.200 et seq.
3. Rehabilitation Act of 1973 as amended.
4. Age Discrimination Act of 1975.
5. American with Disabilities Act of 1990 as amended.
6. Religious Land Use and Institutionalized Persons Act of 2000.

B. Definitions

1. Discrimination - to treat someone unfavorably in comparison to others because of their protected status as provided by law and/or Borough policy.
2. Harassment - behavior that is unwelcome and offensive to a reasonable person, and consists of objectionable verbal, written or physical conduct that demeans, belittles, bullies, intimidates or humiliates another person.
3. Disabled Individual
 - a. Refers to an individual who:
 - i. has a documented physical or mental impairment that substantially limits a major life activity; or

- ii. has a documented record of a physical or mental impairment that substantially limits a major life activity; or
 - iii. is regarded as having a physical or mental impairment that substantially limits a major life activity.
- 4. Reasonable accommodation - appropriate modifications or adjustments made to allow a disabled individual to participate in borough related services, programs, or activities without imposing an undue hardship on the Borough or creating a health or safety issue for other participants.
 - 5. Undue hardship - significant difficulty or expense incurred by the Borough in the provision of an accommodation.

C. Attachments

- 1. Complaint Form
- 2. Complaint Flowchart

D. Revision History

Revision notes - This policy merges the former ADA policy No. 65.04, Anti - harassment policy No. 65.08, and the EEO policy No. 65.09.

Supersedes Policy No.	Effective Dates
65.04	02/28/03
65.04	02/28/13
65.04	08/10/16
65.04	01/12/18
65.04	01/22/20