

## **COUNCIL/ADMINISTRATIVE POLICY**

Subject: Policy Prohibiting Discrimination, Harassment, and Retaliation	Policy No. 20-23	Revised: 04/28/2026
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### **Section 1: PURPOSE**

The purpose of this Policy is to set forth the City of Brentwood's policy prohibiting discrimination, harassment, and retaliation, and to establish a procedure for filing a complaint alleging a violation of this Policy.

The City of Brentwood is committed to ensuring a professional, respectful, and safe working environment for all individuals. Acts of hate, racism, or bigotry—whether expressed through words, visual representations, or conduct—are fundamentally at odds with the City's values and responsibilities as a public employer. Such behavior has no place in the workplace or in any City-related function. The City requires all employees and individuals acting on behalf of the City to uphold these standards in their interactions with each other and with the public the City serves.

The City has zero tolerance for any investigated and substantiated conduct that violates this Policy. Conduct by employees and individuals acting on behalf of or contracted by the City may violate this Policy even if it does not constitute a violation of federal or state law.

A single substantiated act by a City employee, or individual acting on behalf of the City, may constitute a violation of this Policy and provide sufficient grounds for the City to discipline the City employee and/or to take appropriate corrective action, which may include removing and barring the offending individual from City premises or from further acting on the City's behalf.

This Policy establishes a complaint procedure by which the City will investigate and resolve complaints of discrimination, harassment and retaliation by and against City covered individuals, defined below. The City encourages all covered individuals to report any conduct that they believe violates this Policy as soon as possible.

The City expressly prohibits any retaliation against an employee because they filed or supported a complaint or because they participated in the investigation or complaint resolution process. Individuals found to have retaliated against an employee in violation of this Policy will be subject to appropriate sanction or disciplinary action, up to and including termination.

The City shall from time to time provide professional and staff development activities and training to promote understanding of diversity and to create a culture of respect within the City.

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### **Section 2: APPLICABILITY**

This Policy applies to the following individuals (“City Covered Individuals”): applicants for employment at the City; all employees of the City, including full-time, part-time and Limited Service employees regardless of rank or title; elected and appointed officials of the City; volunteers; interns; agents; vendors; and contractors.

This Policy applies to all terms and conditions of employment, internships, and volunteer opportunities, including, but not limited to, selection, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

### **Section 3: POLICY AND PROCEDURE**

#### **Prohibited Harassment, Discrimination, and Retaliation**

The City prohibits harassment, discrimination, and retaliation on the basis of an individual’s protected classification, as defined below. This Policy also protects individuals who are perceived to be, or who associate with someone who is or is perceived to be, a member of a protected classification.

Any investigated and substantiated violations of this Policy will lead to disciplinary action, up to and including termination.

### **Section 4: DEFINITIONS**

#### **A. Protected Classification**

This Policy prohibits discrimination, harassment or retaliation because of an individual’s protected classification.

“Protected Classification” includes race (inclusive of traits associated with race including, but not limited to, hair texture and protective hairstyles such as braids, locs, and twists), color, caste, religion, religious creed, (including religious dress and grooming practices), national origin, ancestry citizenship, physical or mental disability, medical condition (including cancer and genetic conditions), genetic information, marital status, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, reproductive health decision-making, age (40 years and over), sexual orientation, veteran or military status, domestic violence victim status, political affiliation, a

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combination of any two or more protected classifications, and any other characteristic protected by applicable state, federal or local laws and ordinances.

This Policy prohibits discrimination, harassment or retaliation for the following reasons: (1) an individual's protected classification; (2) the perception that an individual has a protected classification; or (3) the individual associates with a person who has or is perceived to have a protected classification.

### B. Discrimination

Discrimination is defined under this Policy as treating an individual differently and adversely, or denying or granting a benefit to an individual in any aspect of employment, based solely or in part on any of the individual's protected classification(s). Discrimination violates this Policy regardless of whether the applicant or employee actually has the protected characteristic(s) or is merely perceived to have it.

### C. Harassment

This Policy prohibits harassment of a covered individual because of the individual's actual or perceived protected classification(s), including the actual or perceived protected classification(s) of someone with whom the covered individual is associated, such as a family member or friend. Conduct constitutes prohibited harassment when it is sufficiently severe or pervasive that a reasonable person in the individual's position would find the environment to be intimidating, hostile, or offensive. Harassment includes, but is not limited to, the following conduct:

1. Derogatory, offensive or inappropriate speech, such as epithets, slurs or stereotypical comments, or verbal gestures or propositions (written or oral) made on the basis of the individual's protected classification. This includes, but is not limited to, comments, stories, and jokes about appearance, dress, physical features, gender identification, and race.
2. Physical acts, coercion, abuse of authority, such as assault, impeding or blocking movement, offensive touching, physical interference with normal work or movement, unlawfully compelling someone to do something they normally would not do through threats, intimidation, or pressure, using a position of power for personal gain or to mistreat others. This also includes, but is not limited to, pinching, grabbing, patting, or making explicit or implied job threats or promises in return for submission to physical acts. Physical acts also include conduct that denigrates or shows hostility or aversion towards an individual because of any protected classification(s).

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3. Visual acts or non-verbal gestures, such as derogatory, offensive or inappropriate posters, cartoons, emails, computer displays, pictures or drawings related to a protected classification. Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

Whether or not the person meant to offend or believed their comments or conduct were welcome is not material to evaluating whether conduct can be considered harassment under this Policy.

### *a. Other Examples of Conduct that Might Constitute Harassment*

Harassment includes conduct when it is sufficiently severe or pervasive that a reasonable person in the individual's position would find the environment to be intimidating, hostile, or offensive. Harassment may include the following:

1. Conduct that someone may not intend to harass. Conduct may violate this Policy if the conduct is directed at, or implicates a protected classification and the recipient finds the conduct to be offensive or inappropriate, even if it's well-intentioned conduct (e.g., gifts, over-attention, endearing nicknames, hugs, asking a colleague out on dates on multiple occasions after the recipient has declined).
2. Conduct to which the recipient appears to have consented. The City does not recognize as a defense that the recipient appeared to have consented to the conduct at issue by failing to protest about the conduct. A recipient may not protest offensive or inappropriate conduct for many legitimate reasons, including, but not limited to, the need to avoid being perceived as insubordinate or to avoid being ostracized or subjected to retaliation.
3. Conduct about which no employees previously complained. The fact that no employee previously complained about the same or substantially similar conduct does not mean that the conduct is inoffensive or appropriate nor does that fact preclude an employee from complaining about such conduct if it is repeated.
4. Conduct witnessed by a third party or about which a third party learns, even if they did not witness such conduct. Visual, verbal, or physical conduct between two (2) people who do not find such conduct to be offensive or inappropriate may constitute harassment if a third party witnesses such conduct or learns about the conduct (as defined in Section 4.C above) later and finds the conduct

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to be offensive or inappropriate. Conduct can constitute harassment even if it is not explicitly or specifically directed at a particular individual.

### D. Protected Activity

This Policy prohibits discrimination, harassment, and retaliation because of an individual's protected activity.

Protected activity includes, but is not limited to, the following: (1) making a request for an accommodation for a disability; (2) making a request for accommodation for religious beliefs; (3) making a complaint under this Policy; (4) opposing violations of this Policy; or (5) participating in an investigation under this Policy.

### E. Retaliation

Retaliation means adverse conduct or adverse employment action taken because an individual participated in protected activity under this Policy or reported an actual or perceived violation of this Policy, opposed practices prohibited by this Policy, or participated in the reporting and investigation process described below.

"Adverse conduct" includes but is not limited to: , intentionally isolating an individual who reports harassment, discrimination or retaliation; express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination or retaliation; and denying employment benefits because an applicant or employee reported harassment, discrimination or retaliation or participated in the reporting and investigation process described below.

"Adverse employment action" is conduct or an action that materially affects the terms and conditions of the applicant's or employee's employment status or is reasonably likely to discourage the person from engaging in a protected activity.

### F. Sexual Harassment

Sexual harassment can include harassing conduct as defined above in harassment, as well as other unwelcome sex-based conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal or physical conduct of a sexual nature. Examples of conduct that violates this Policy include:

- obscene or vulgar gestures, posters, or comments;
- sexual jokes or comments about a person's body, sexual prowess, or sexual deficiencies

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- propositions, or suggestive or insulting comments of a sexual nature
- derogatory cartoons, posters, and drawings
- sexually explicit emails or voicemails
- leering, whistling, uninvited touching of a sexual nature, assault, brushing up against someone's body
- comments, inquiries, or gossip about one's own or someone else's sex life or sexual activities
- conduct or comments consistently targeted at only one gender, even if the content is not sexual
- teasing or other conduct directed toward a person because of the person's gender, gender identity, gender expression, sex, or sexual orientation

### G. Workplace

The workplace is not limited to City facilities and premises but may also include client and vendor facilities, and City-related functions held off of City property (i.e., City Council meeting at a privately-owned community meeting room, attendance at an off-site conference and business-related social functions, or virtual workspace being used by remote workers).

### **Section 5: COMPLAINT AND INVESTIGATION PROCEDURE**

The following procedures have been put into place to ensure the work environment is respectful, professional, and free of discrimination, harassment, and retaliation.

If an employee believes that someone has violated this Policy or the City's Equal Employment Opportunity Policy, the employee should immediately report the incident to their supervisor. If the immediate supervisor is involved in the reported conduct or, for some reason, the employee feels unable to make a report to that supervisor, the employee should report the incident to another supervisor or any Department Director, or report the incident directly to the Human Resources Department.

A supervisor who becomes aware of conduct that may constitute prohibited harassment, discrimination, retaliation, or a violation of this Policy is required to immediately contact their Department Director and the Human Resources Department. The City takes a proactive approach to potential policy violations and shall conduct an investigation if its supervisory or management employees become aware that harassment, discrimination or retaliation may have occurred or may be occurring, regardless of whether the recipient or third party reports a potential violation.

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Any employee may report perceived violations of this Policy to the City's Collective Risk Management Team, or to the Employment Protection Line, a 24-hour, 7-day per week, toll-free reporting hotline monitored by an independent third party who will notify the City of the incident. The hotline number is: 1 (877) 651-3924.

Upon receiving the complaint, the City will promptly conduct a fair, impartial, and thorough investigation into the facts and circumstances of any claimed violation of this Policy or its Equal Employment Opportunity Policy. The City Manager or designee will be responsible for coordinating the investigation (unless the City Manager is named in the complaint). The City Manager or designee may coordinate the investigation with the complainant's department director and may hire an outside investigator if deemed appropriate. If the complaint is made against the City Manager, the Mayor or the Mayor's designee will be responsible for coordinating the investigation. If the complaint is made against the Mayor, Councilpersons, or other elected or appointed officials, the City Attorney or a designee shall be responsible for coordinating the investigation and selecting a suitable investigator, including an outside investigator if appropriate.

During the investigation, the City Manager or designee generally will interview the complainant and the accused, conduct further interviews as necessary and review any relevant documents or other information. The City Manager or designee may take interim action, such as placing the alleged person on paid administrative leave or transferring the alleged person.

To the extent possible, the City will endeavor to keep the complainant/reporting employee's concerns confidential. However, complete confidentiality may not be possible in all circumstances.

The City will make findings based on a preponderance of the evidence standard, unless otherwise required by law.

Upon completion of the investigation, the City Manager or designee shall determine whether this Policy has been violated based upon their reasonable evaluation of the information gathered during the investigation. The City Manager or designee will inform the complainant and the accused of the completion of the investigation and provide a summary of the findings of the investigation as it relates to the complainant and the accused.

The City will take corrective measures against any person who it finds, after a thorough and fair investigation, to have engaged in conduct in violation of this Policy. These measures may include, but are not limited to, counseling, suspension, or termination. Anyone, regardless of position or title, whom the City determines has engaged in conduct that violates this Policy will be subject to discipline, up to and

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including termination.

All employees and supervisors have a duty to cooperate in the City's investigation of alleged discrimination, harassment, and/or retaliation. Failure to cooperate or deliberately providing false information during an investigation shall be grounds for disciplinary action up to, and including, termination.

All employees are encouraged to report any conduct which they believe constitutes a violation of this Policy.

### **Section 6: TRAINING AND DISSEMINATION OF POLICY**

All City officials, including elected or appointed officials, officers, employees, volunteers and interns shall receive a copy of this Policy when they are hired or at appointment. The Policy may be updated from time to time and, at such times, will be redistributed to all employees.

In addition, all City officials, elected or appointed officials, officers, employees, volunteers and interns are required to undergo sexual harassment prevention training as required by applicable law. For more information on this training requirement, please visit <https://calcivilrights.ca.gov/shpt/>.

Although the City is limited in its ability to discipline non-employees who violate this Policy (e.g., vendors and contractors), the City will take any available and permissible remedial action aimed at ensuring that the discriminatory and/or harassing conduct stops.

#### **A. Confidentiality**

Every possible effort will be made to assure the confidentiality of complaints made under this Policy. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the greatest extent possible.

The City expressly prohibits an employee who is interviewed during the course of an investigation from attempting to influence other employees, including employees who may have witnessed the underlying conduct at issue, while the investigation is open and ongoing.

An employee may discuss their interview with a designated association

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representative and/or the employee's legal representative.

The City will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

### B. Responsibilities

Each non-supervisor or non-manager is responsible for the following:

1. Treating all individuals in the workplace or on City worksites with respect and consideration.
2. Modeling behavior that conforms to this Policy.
3. Participating in periodic trainings on personnel matters.
4. Cooperating with the City's investigations pursuant to this Policy by responding fully and truthfully and in a timely manner to all questions posed during the investigation.
5. Taking no actions to influence the complainant or any potential witness while the City's investigation is ongoing.
6. Reporting any act they believe in good faith constitutes harassment, discrimination or retaliation, as defined in this Policy, to their immediate supervisor or manager, or Department Director, or Human Resources.

In addition to the responsibilities listed above, each manager and supervisor is responsible for:

1. Reporting potential violations of this Policy to Human Resources, regardless of whether an employee complained about such conduct.
2. Informing employees under their supervision of this Policy.
3. Taking all steps necessary to prevent harassment, discrimination and retaliation from occurring, including, but not limited to, monitoring the work environment and taking immediate and appropriate action to stop violations (e.g., removing inappropriate pictures or correcting inappropriate language).
4. Receiving and responding to complaints in a uniformly fair and serious manner.
5. Documenting the steps taken to resolve such complaints.
6. Following up with those who have complained to ensure that the offensive conduct about which they complained has stopped and that there have been no reprisals or retaliation or threats of reprisals or retaliation.
7. Informing those who complain about harassment and/or discrimination of their option to contact outside administrative agencies (referenced below) and file a

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complaint about such activity.

8. Assisting and/or advising employees regarding this Policy.
9. Assisting in the investigation of complaints involving subordinate employee(s).
  
10. Where a complaint is substantiated, assisting in the development of a recommendation concerning an appropriate corrective or disciplinary action in accordance with these policies.
11. Implementing appropriate corrective or disciplinary actions.
12. Participating in periodic training and scheduling employees for training.

### C. Outside Administrative Agencies

An individual has the option to report harassment, discrimination or retaliation to the U.S. Equal Employment Opportunity Commission (“EEOC”) or the California Civil Rights Department. These administrative agencies offer legal remedies and a complaint process.

By mail: U.S. Equal Employment Opportunity Commission

By address: 1301 Clay Street, Suite 680-N, Oakland, CA 94612-5217

By phone: 1-800-669-4000

By e-mail: [info@eeoc.gov](mailto:info@eeoc.gov)

Website: [www.eeoc.gov/employees](http://www.eeoc.gov/employees)

By mail: California Civil Rights Department

By address: 555 12<sup>th</sup> Street, Suite 2050, Oakland, CA 94607

By phone: 1-800-884-1684

By email: [contact.center@calcivilrights.ca.gov](mailto:contact.center@calcivilrights.ca.gov)

Website: [www.cacivilrights.ca.gov](http://www.cacivilrights.ca.gov)

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Final Draft

## ACKNOWLEDGEMENT OF RECEIPT

Prohibiting Discrimination, Harassment, and Retaliation Policy No.  
**20-23**

**Dated:**

My signature below is confirmation that I have received a copy of Council Policy No. 20-23 Policy Prohibiting Discrimination, Harassment, and Retaliation. The Policy prohibits workplace discrimination, harassment, and retaliation and establishes a procedure for filing a complaint of discrimination, harassment, and retaliation.

I understand that this Policy is intended to supplement other City personnel policies that govern rules of conduct and performance in the workplace. I further understand and agree that it is my responsibility to read and familiarize myself with the provisions of this Policy.

For questions, please contact Human Resources.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Print Employee's Name

\_\_\_\_\_  
Date of Receipt