

Sexual Harassment Prevention Policy

Introduction:

The Village of Williston Park ("Village") is committed to maintaining a work environment free from sexual harassment, which is one form of employment discrimination. This Policy is one component of the Village's commitment to a discrimination-free work environment.

Policy:

1. This Policy applies to all employees, elected and/or appointed officials, and applicants for employment. It also applies to individuals who are not employees of the Village but are employees of contractors, subcontractors, vendors, consultants, volunteers and other persons who provide services in the Village's workplace, such as interns and temporary employees.
2. Sexual harassment is not tolerated by the Village and is prohibited by this Policy. This Policy prohibits not only behavior that constitutes unlawful sexual harassment, but also other inappropriate or unprofessional behavior that may reasonably be considered offensive or otherwise inappropriate. Employees and other individuals covered under this Policy will be subject to disciplinary or other corrective action for any violations of this Policy. Where applicable, such discipline shall be in accordance with any statutory rights and/or collective bargaining agreement protections to which the individual may be entitled.
3. No person covered by this Policy shall be subject to adverse employment action because he/she makes a good faith report of an incident of sexual harassment, or provides information, or otherwise assists in any investigation of a sexual harassment complaint. Any person covered by this Policy, who retaliates against anyone who makes a good-faith report of sexual harassment or is otherwise involved in a sexual harassment investigation, is in violation of this Policy and subject to remedial or disciplinary action.
4. The Village will conduct a prompt, thorough, impartial, and appropriate investigation, consistent with this Policy, in response to any complaint about sexual harassment. The Village may also investigate other circumstances of inappropriate conduct occurring in its workplace or affecting the terms and conditions of employment for its employees or other individuals covered by this Policy. The Village will take appropriate corrective action whenever sexual harassment or other inappropriate conduct is found to have occurred. All employees, including but not limited to department heads and supervisors, are required to cooperate with any internal investigation of sexual harassment conducted by the Village.

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 of a sexual nature or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile work environment, even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment can consist of unwelcome advances, threats, derogatory comments, signs, jokes, pranks, intimidation, physical contact, violence, or other conduct which is of a sexual nature, or which is directed at an individual because of that individual's sex, where the conduct is so severe and pervasive as to alter the terms of employment for the individual subject to the harassment. It makes no difference if the individual engaging in such conduct is "just joking" or "teasing" or "playful."

Sexual harassment can also occur 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.

Examples of sexual harassment

The following is a non-exhaustive list of some of the types of acts that may constitute sexual harassment:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employees' body
 - Rape, sexual battery, molestation or attempts to commit these assaults
- Unwanted sexual advances or propositions
- Sexually-oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience
- Written conduct such as authoring threatening, derogatory or offensive letters, e-mails, text messages, or social media posts
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:

- Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes sexual displays on computers, tablets, cell phones or any other devices in the workplace.
- 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
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or the status of being transgender

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassers can be a superior, a subordinate, an elected and/or appointed official, a coworker or anyone else in the workplace, including an independent contractor, contract worker, vendor, or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business, at employer-sponsored events, or other occasions outside of work, *i.e.*, not in the workplace. Calls, texts, emails, and social media usage containing inappropriate messages, language, pictures, videos or graphics may also constitute or contribute to unlawful workplace harassment, even if they occur away from the workplace, on personal devices, or during non-work hours.

What is "Retaliation"?

Retaliation includes any conduct, whether or not in the workplace or employment-related, which might deter a reasonable person from making or supporting a charge of discrimination or harassment and is directed at someone who engages in protected activity. Protected activity includes opposing a discriminatory practice, making a good-faith report of a suspected violation of this policy, filing a harassment complaint, participating in an investigation or proceeding of such a report or complaint, or encouraging a fellow employee to make a report. Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good-faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false allegations of sexual harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The Village cannot prevent or remedy sexual harassment unless it knows about it. Any employee or other

person covered by this Policy, who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, department head or to the Village Clerk. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, department head or to the Village Clerk. If possible, the employee or witness should tell the alleged harasser that his/her actions are not welcome and must stop immediately.

If an employee makes a report to his/her supervisor or department head and believes the supervisor or department head is not taking appropriate action, the employee should report the situation to the Village Clerk. If an employee believes that his/her supervisor or department head violated this Policy, then the employee should report the matter to a higher-level department head, or to the Village Clerk.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form, but using the form is not required. Regardless of whether being made verbally or in writing, a report of sexual harassment should be as detailed as possible and include the names of the individual(s) involved, any witness(es) to the harassment, direct quotes and/or evidence (e.g., notes, e-mails, digital recordings, etc.) of the harassment. Employees who report sexual harassment on behalf of another person should state clearly that the complaint is being made on another person's behalf.

Supervisory Responsibilities

Any supervisor or department head who receives a complaint or information about suspected sexual harassment, or observes conduct that may be sexually harassing behavior or otherwise learns of such conduct, **is required to take appropriate steps to address the conduct and to report such suspected sexual harassment to the Village Clerk.**

In addition to being subject to discipline if they engaged in sexually harassing conduct or retaliation themselves, supervisors and department heads will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Investigation of Sexual Harassment

All reports, complaints or other information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely and thorough manner commensurate with the nature of the complaint, and will be confidential to the extent possible.

In conducting an appropriate and impartial investigation, the Village's procedures will include these protections: The Village will provide appropriate notice of the allegations to anyone who is the subject of a harassment complaint and an opportunity to provide a response to the allegations, including an opportunity to present documents or other evidence relevant to the allegations, and shall be permitted to do so in the presence of a union representative where required by law. Complainants and witnesses will be

provided with an appropriate opportunity to present relevant information, including documents relevant to the investigation. The Village may adapt and modify the investigatory procedure, in its discretion, based on the nature of the complaint and the conduct at issue.

All employees and other individuals covered under this Policy may be required to cooperate, as needed, in an investigation of suspected sexual harassment. Employees and other individuals who participate in any investigation are protected from retaliation.

All persons involved in the reporting and investigation of harassment are obligated to keep the information pertaining to the investigation confidential to the maximum extent possible, to protect the privacy of those involved in the investigation and to allow the Village to conduct an objective and appropriate investigation.

If the Village determines that this Policy has been violated, it will take effective remedial action commensurate with the circumstances. Any employee who has been found by the Village to have harassed another employee in violation of this Policy will be subject to discipline or other corrective action, up to and including termination where appropriate. Any appropriate disciplinary action will be taken in accordance with applicable law and/or the terms of any applicable collective bargaining agreement. If it is concluded that a non-employee has subjected an employee or other person protected by this Policy to conduct in violation of this Policy, prompt and effective action will be taken to stop the harassment and deter any future harassment.

The Village will notify the individual who was subject to the reported conduct and the person who filed the complaint of the conclusion of its investigation, and will follow-up with that individual as appropriate under the circumstances. The Village will also notify the accused harasser of the conclusion of its investigation.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the Village, but is also prohibited by state, federal, and, where applicable, local law. In addition to the procedures described in this Policy, individuals may choose to pursue legal remedies with the governmental entities listed below.

The New York State Division of Human Rights ("DHR") enforces the N.Y.S. Human Rights Law (codified as N.Y.S. Executive Law, art. 15, § 290 *et seq.*), which prohibits sexual harassment in employment in New York State, and protects employees as well as other individuals working in an employer's workplace. A complaint alleging a violation of the Human Rights Law may be filed either with the DHR, subject to a one-year statute of limitations, or in New York State Supreme Court, subject to a three-year statute of limitations.

If unlawful discrimination is found after a hearing, the DHR or the court may award relief, which may include requiring the employer to take action to stop the harassment, to redress the damage caused, including reversing an unlawful employment action, and paying monetary damages, attorneys' fees, and civil fines. The DHR can be contacted by calling (888) 392-3644, or at its website: www.dhr.ny.gov.

The U.S. Equal Employment Opportunity Commission ("EEOC") enforces federal anti-discrimination laws, including Title VII of the 1964 Civil Rights Act (codified as 42 U.S.C. § 2000e *et. seq.*). An employee must file a complaint with the EEOC within 300 days from the conduct giving rise to the complaint. The EEOC investigates complaints, and may pursue a claim in federal court on behalf of the complaining party, or issue 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 at its website: www.eeoc.gov, or via email at info@eeoc.gov. If an individual files an administrative complaint with the DHR, the DHR may also file the complaint with the EEOC to preserve the individual's right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they work or live to find out if such a law exists. If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime, and it may be appropriate to report such conduct to the local police department.

Other Types of Prohibited Harassment or Discrimination

The Village also prohibits discrimination or harassment on the basis of race, color, creed, ethnicity, disability, religion, national origin, military status, age, gender, arrest record, veteran status, sexual orientation, marital status, familial status, domestic violence victim status, criminal history, citizenship, predisposing genetic characteristics, genetic information, or any other category protected by law. For more information, please see the Village's Policy on Other Harassment.

Questions:

If you have any questions about this Policy, please contact the Village Clerk.

Village of Williston Park

This form is designed to assist individuals making a report under the Village of Williston Park's Sexual Harassment Prevention Policy. If you believe you are, or have been, subject to conduct in violation of the Sexual Harassment Prevention Policy, or witness or otherwise become aware of such conduct, you are expected to report that information either verbally or in writing. It is the policy of the Village of Williston Park to promptly and thoroughly investigate such reports.

If you wish to make a written report, you may use this form to do so. After completing this form, please submit it to the Village Clerk. If you are more comfortable reporting verbally or in another manner, you are welcome to do so.

The Village of Williston Park prohibits retaliation against any individual who opposes a discrimination practice, makes a good faith report of discrimination or harassment, or who participates in an investigation of such reports. Your cooperation in truthfully completing this form and providing as much accurate information as possible will enable us to investigate and respond to these matters.

YOUR INFORMATION

Name: _____
Home Address: _____ Work Address: _____

Personal Phone: _____ Work Phone: _____
Job Title: _____ Email: _____
Preferred Communication Method: _____

SUPERVISOR'S INFORMATION

Immediate Supervisor's Name: _____ Title: _____
Work Phone: _____ Work Address: _____

INFORMATION CONCERNING SUSPECTED HARASSMENT

1. The name of the person(s) involved in your complaint
Name: _____ Title: _____
Work Address: _____ Work Phone: _____
Other identifying information: _____
Relationship to you: Supervisor Subordinate Co-Worker Other: _____

2. Please describe the conduct or incident(s) that are the basis of this report and your reasons for believing the conduct is harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) harassment occurred: _____
Is the harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint. Please use additional sheets of paper if necessary.

5. Have you previously complained or provided information (verbal or written) about harassment at the Village of Williston Park? If yes, when and to whom did you complain or provide information?

Upon receipt of this report, the Village or its designee will contact you. Every effort will be made to assure that confidentiality will be maintained throughout the investigatory process to the extent consistent with the need to investigate your report and to take appropriate corrective action. For additional information, see the Sexual Harassment Prevention Policy.

The information provided in this report is true and complete and I request that the Village of Williston Park investigate this complaint and advise me of the outcome of the investigation.

Signature: _____

Date: _____