

**Town of Beekman Policy Statement and Procedure
Against Sexual Harassment and other Forms of Harassment**

The Town of Beekman has a strong commitment to providing a working environment where all employees can maintain their dignity and be free of all types of harassment, including sexual harassment. Sexual harassment is unlawful. It is a violation of Section 703 (Part 1604) of Title VII of the Civil Rights Act of 1964 and the Civil Rights Act of 1991. It is also a violation of Section 296 of the New York State Executive Law. It is against the policy of the Town of Beekman for any employee to sexually harass another employee. Sexual harassment may be overt or subtle. In whatever form it takes, sexual harassment can make a victim feel embarrassed, humiliated, insulted, degraded, angry, or unsafe in the work environment. These acts significantly and adversely affect the working life of employees who are subject to such behavior. Accordingly, the Town will vigorously enforce this policy. All employees are expected to comply with the Town's policy. Any employee who violates the policy will be subject to the full weight of disciplinary sanctions up to and including discharge, as will any supervisor or department head or division head, who, having been made aware of such conduct by an employee, knowingly allows such action to continue.

Prohibited Conduct

The EEOC has approved guidelines designed to eliminate instances of sexual harassment in the work place. In accordance with these guidelines, verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual;
3. Such conduct has the effect or purpose of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

No manager or supervisor shall threaten or insinuate either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, compensation, advancement, assigned duties, or any other term or condition of employment.

Other sexually harassing conduct, whether committed by supervisors, department heads, or division heads or any other employees is also prohibited. This includes, but is not limited to:

- Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts at such assaults;
- Intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body;
- Unwelcome sexual flirtations, advances or propositions;
- Verbal abuse of a sexual nature;

- Graphic verbal comments about an individual's body;
- Sexually degrading words used to describe an individual;
- The display of sexually suggestive objects or pictures and/or the possession of such materials for viewing in the workplace;
- Unwanted attention of a sexual nature, such as jokes, tricks, etc.
- Same sex harassment is actionable under Title VII of the Civil Rights Act and Section 296 of the New York State Executive Law.

RETALIATION AGAINST EMPLOYEES FOR COMPLAINING ABOUT THESE BEHAVIORS OR FOR COOPERATING IN ANY INVESTIGATION OF ALLEGED SEXUAL HARASSMENT WILL SUBJECT THE RETALIATING EMPLOYEE TO DISCIPLINARY ACTION UP TO AND INCLUDING DISCHARGE.

Responsibilities of Employees

Supervisors must:

- Maintain, on a day to day basis, a workplace free of sexual harassment and intimidation;
- Report all complaints of sexual harassment and any instances of observed sexual harassment to the Town's Sexual Harassment Officers;
- Promptly investigate any sexual harassment complaint if requested by the employee;
- Keep all complaints confidential;
- Ensure that all Town employees attend mandatory in-service training workshops on sexual harassment prevention.

Town Supervisor's Office must:

- Ensure that all current and new employees receive a copy of this policy, and that all employees receive education and training in sexual harassment.
- Assist supervisors and the Sexual Harassment Officers in investigating complaints, training investigators on proper procedures and safeguards.

All employees must:

- Refrain from all conduct which might be considered sexual harassment;
- Take reasonable steps to correct the offending behavior. Use the complaint procedure established by the Town. If you are the target of unwanted sexual attention or behavior, follow these steps:

Respond - make your feelings absolutely clear and ask that the behavior stop.

Record - note the time, place and specifics of each incident, including any witnesses.

Report - harassment should be reported to the Town's Sexual Harassment Officers.

Please see attached complaint form.

Procedures:

- The Sexual Harassment Officers, upon the complaint of an employee or report of a complaint from a supervisor, will conduct an investigation
- While conducting an investigation, no action will be taken without the consent of the complaining employee. Confidentiality will be maintained throughout the investigation, except to the extent that the Harassment Officers must contact witnesses and the person accused of harassment. However, any employee who participates in the investigation may do so without fear of retaliation. All employees shall be protected from coercion, intimidation, retaliation, interference or discrimination as a result of filing a complaint or assisting in an investigation.
- Upon completion of the investigation, the Sexual Harassment Officers will compile a report and will provide the report to the Town Supervisor, employee's supervisor, and the complaining employee. Included in this report will be an assessment of the legitimacy of the complaint and recommendation as to course of action. This report shall be considered an internal memorandum and one protected by personal privacy rights so as to not be subject to disclosure under Freedom of Information Law.
- If the investigation reveals that the complaint is valid, prompt attention and disciplinary action will ensue and steps will be taken to prevent its reoccurrence.

Legal Protections And External Remedies

Sexual harassment is not only prohibited by the Town of Beekman but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Town of Beekman, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Town of Beekman does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's 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. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

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 individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the 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, Town or town in which they live to find out if such a law exists. For example, employees who work in New York Town may file complaints of sexual harassment with the New York Town Commission on Human Rights. Contact their main office at Law Enforcement Bureau of

the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

HARASSMENT OTHER THAN SEXUAL HARASSMENT

Harassment based upon race, color, religion, national origin, age, disability, sexual preference, marital status, genetic predisposition, carrier status or military status is also a form of discrimination and is illegal under various federal/and or state law, including Title VII of the Civil Rights Act and Section 296 of the New York State Executive Law. Such harassing activities are likewise offensive, illegal and will not be tolerated by the Town.

Under applicable federal and/or state laws and regulations, this type of harassment is defined as verbal or physical conduct of any kind, which is based upon an individual's race, color, gender (other than sexual harassment), religion, national origin, age, disability, sexual preference, marital status, genetic predisposition, carrier status and military status, when:

- Such conduct substantially interferes with an individual's work or
- Such conduct creates an intimidating, hostile or offensive working environment.

If you believe that you are a victim of such harassment or know of such harassment in the Town government, you are urged to follow the steps for reporting such activities as outlined above.

Complaint Form for Reporting Sexual Harassment Town of Beekman

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Office of the Supervisor, 4 Main Street, Poughquag, New York 12570. Once you submit this form, the Town will follow its sexual harassment prevention policy and investigate any claims.

If you are more comfortable reporting verbally or in another manner, the Town of Beekman will follow its sexual harassment prevention policy by investigating the claims as outlined in the Sexual Harassment and Policy.

For additional resources, visit ny.gov/combating-sexual-harassment

COMPLAINANT INFORMATION

Name:

Home Address

Work Address:

Home Phone:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

Phone (home or work- please circle one)

email regular first class mail

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Address:

Work Phone:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made against:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: ___Supervisor ___Subordinate ___Co-Worker ___Other

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

3. Date(s) sexual harassment occurred:

Is the sexual 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:

The last two questions are optional, but may help facilitate the investigation.

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

Employees that file complaints with their employer might have the ability to get help or file claims with other entities including federal, state or local government agencies or in certain courts.

6. Have you filed a claim regarding this complaint with a federal, state or local government agency? Yes No

Have you instituted a legal suit or court action regarding this complaint? Yes No

Have you hired an attorney with respect to this complaint? Yes No

I request that Town of Beekman investigate this complaint of sexual harassment in a timely and confidential manner as outlined above, and advise me of the results of the investigation.

Signature: _____

Date: _____

EMPLOYEE ACKNOWLEDGEMENT FORM

I have received a copy of the Town's Sexual Harassment Policy adopted by the Town Board on October 24, 2018.

I have reviewed the policy and will abide by it at all times. I understand that questions about the policy should be directed to the Town Supervisor.

Name of Employee/Consultant (Please Print)

Signature

Date