

SEXUAL HARASSMENT PREVENTION POLICY

The Village of Ardsley ("Village") is committed to maintaining a work environment free from unlawful sexual harassment, which is a form of employment discrimination. **Unlawful sexual harassment is strictly prohibited and will not be tolerated by the Village.**

This Policy applies to all employees, appointed and elected officials, interns, temporary workers, individuals providing services to the Village in the workplace, as well as everyone with whom the Village does business (e.g., outside vendors, consultants, members of the public, independent contractors). All such individuals are prohibited from engaging in unlawful sexual harassment. Anyone who engages in sexual harassment in violation of this Policy will be subject to discipline or other corrective action in accordance with applicable law.

No person covered by this Policy shall be subject to adverse employment action because he/she/they 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 engages in retaliation prohibited by this Policy will be subject to disciplinary or other corrective action in accordance with applicable law.

The Village will conduct a prompt, thorough and impartial investigation, consistent with this Policy, in response to any complaint about sexual harassment, and will take appropriate disciplinary or other corrective action against the harasser whenever prohibited sexual harassment is found to have occurred. All employees, interns, and temporary workers are required to cooperate with any 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 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 unwanted sexual 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.

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 Employer-issued or personal computers, cell phones or tablets in the workplace or to anyone covered by this Policy.
- 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.

Sexual harassment can occur between any individuals, regardless of their sex or gender. It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment is unlawful, regardless of

whether the person engaging in the harassing conduct is a co-worker, intern, temporary worker, subordinate, supervisor, manager or other Village officer or elected official, anyone else providing services to the Village in the workplace or anyone else with whom the Village does business (e.g., outside vendors, consultants, members of the public, independent contractors).

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 work. Calls, texts, emails, and social media usage containing inappropriate messages, language, or graphics may also constitute sexual harassment or contribute to a sexually hostile work environment for anyone covered by this Policy, even if such things occur away from the workplace, on personal devices, or during non-work hours.

No Retaliation

Retaliation includes any conduct which might deter a reasonable person from making or supporting a charge of sexual harassment. Retaliation against an individual who makes a good-faith complaint about sexual harassment or what they believe to be a violation of this Policy, or who participates in an investigation into alleged sexual harassment is strictly prohibited and will not be tolerated. Anyone who engages in retaliation prohibited by this Policy will be subject to disciplinary or other corrective action in accordance with applicable law.

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 believes the actions or words of a co-worker, supervisor, manager, officer, elected official, intern, temporary worker, anyone else providing services to the Village in the workplace or anyone else with whom the Village does business, or other incident(s) involving such individual(s), constitutes sexual harassment must take the following actions:

- If possible, tell the harasser that his/her actions are not welcome and must stop.
- Promptly report the harassing action(s), word(s) and/or incident(s) to the Department Head, Village Manager and/or Chief of Police. If you feel uncomfortable speaking with either the Department Head, Village Manager and/or Chief of Police, or if you feel a complaint you previously made has not been adequately addressed, report the harassing action(s), word(s) and/or incident(s) to the Mayor or Board of Trustees. Ultimately all complaints must be referred to the Village Manager unless the Village Manager is the alleged harasser. **You may also report a complaint through the NY State Harassment hotline, 1-800-HARASS-3 (1-800-427-2773). The hotline is free and confidential.**

Reports of sexual harassment may be made verbally or in writing. A form for submitting a written complaint is attached at the end of this Policy. Individuals are strongly 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. Individuals 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 Department Head or other supervisor who receives a complaint or information about suspected sexual harassment, or observes conduct that may be sexually harassing behavior is required to take appropriate steps to address the conduct and to report such suspected sexual harassment to the Village Manager.

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

Investigation of Sexual Harassment

The Village, either itself or through a delegated investigator, will conduct an impartial investigation into all reports, complaints or other information about suspected sexual harassment, regardless of whether that information was reported in verbal or written form. All employees and other individuals covered under this Policy are required to cooperate with the Village's investigation into suspected sexual harassment, and are required to provide truthful and complete answers to questions asked of them by the investigator.

Investigations will be conducted in as timely and thorough a manner as possible commensurate with the nature of the complaint, and will be confidential to the extent possible. Immediately upon receiving a complaint, the Village will conduct a review of the allegations and if appropriate put interim measures in place for the investigation. The individual bringing the complaint, and the victim if that person is not the complainant, will each be given an opportunity to present their version of events and any relevant evidence to the investigator. Anyone accused of sexual harassment will be informed of the allegations against them, and will be given an opportunity to present their version of events and any relevant evidence to the investigator and shall be permitted to do so in the presence of a union representative where required by law. The investigation may also include reviewing documentation and other evidence, and interviewing other individuals identified as witnesses to the alleged harassment or who may otherwise have information relevant to the allegations being investigated. The Village may adapt and modify the investigatory procedure, in its discretion, based on the nature of the complaint and the conduct at issue.

If the Village's investigation is conclusive and prohibited sexual harassment is found to have occurred, appropriate disciplinary or other corrective action will be taken in a timely

manner and appropriate measures will be taken to deter any future harassment. Appropriate disciplinary action, which may include termination of employment, will be taken in accordance with applicable law and the terms of any applicable collective bargaining agreement.

Once the investigation is complete and a determination has been made, such determination will be communicated to the individual who complained, the victim of the harassment (if the victim is not the individual who made the complaint), and the accused harasser. Follow-up interview(s) or other communication with the individual who complained, the victim of the harassment (if the victim is not the individual who made the complaint) and/or any individual that participated in the Village's investigation into a complaint of unlawful harassment has not resumed and that no retaliation has occurred.

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, if the sexual harassment involves potential criminal conduct such as rape or sexual assault, such conduct should be reported to the local police department.

Individuals may also bring complaints to the U.S. Equal Employment Opportunity Commission ("EEOC"), the New York State Division of Human Rights ("NYSDHR"), the Westchester County Commission on Human Rights or in court within the time periods required by law.

The NYSDHR enforces the New York State Human Rights Law (N.Y. Executive Law, art. 15, § 290 *et seq.*), which prohibits sexual harassment in employment in New York State and protects employees and other individuals working in an employer's workplace. A complaint alleging a violation of the Human Rights Law may be filed either with the NYSDHR 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, the NYSDHR 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 NYSDHR can be contacted at (888) 392-3644 or at its website www.dhr.ny.gov.

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 Civil Rights Act (42 U.S.C. § 2000e *et seq.*). A discrimination complaint can be filed 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.

Many localities enforce laws protecting individuals from sexual harassment and discrimination. For example, the Westchester Human Rights Law, which is enforced by the Westchester Commission on Human Rights (<https://humanrights.westchestergov.com/>), may provide protections to individuals who work within Westchester County.

Questions

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

VILLAGE OF ARDSLEY
SEXUAL HARASSMENT COMPLAINT FORM

YOUR INFORMATION

Name: _____

Home Address: _____ Work Address: _____

Personal Phone: _____ Work Phone: _____

Job Title: _____ Email: _____

Preferred Communication Method: _____

INFORMATION CONCERNING SUSPECTED HARASSMENT

1. The name of the person(s) you believe is engaging in harassment

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? If yes, when and to whom did you complain or provide information and what was the resolution?

Complainant's Signature: _____ Date: _____

Complaint Received by: _____ Date: _____
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