



VILLAGE OF LYNBROOK SEXUAL HARASSMENT POLICY

BACKGROUND

Sexual harassment is a form of illegal gender discrimination. It is the policy of this Village to strongly oppose and prevent any form of discrimination. Sexual harassment hurts the employee, the Village and fellow employees. This policy has been established to foster understanding and to prevent sexual harassment.

As with discrimination involving race, color, religion, age, sexual orientation, disability, national origin, and veteran status, the Village of Lynbrook also prohibits sex discrimination, including sexual harassment of its employees in any form that now includes the protected classes of: Gender Identity, Gender Expression and Genetic Information. The Village will take all steps necessary to prevent and stop the occurrence of sexual harassment in the workplace.

1. This policy applies to all Village employees, appointed or elected officials, volunteers and all personnel in a contractual relationship with the Village. Depending on the extent of the Village's exercise of control, this policy may be applied to the conduct of non-village employees with respect to sexual harassment of Village employees in the workplace.

2. This sexual harassment policy prohibits conduct including, but not limited to, inappropriate forms of behavior described on pages 2 and 3 herein under the section entitled "Definition of Sexual Harassment."

3. The elected officials, the Village Clerk, department heads, and supervisory personnel are responsible for ensuring a work environment free from unsolicited and unwelcomed or intimidating sexual overtures. Supervisors must take immediate and appropriate corrective action, when instances of sexual harassment come to their attention, to assure compliance with this policy.

4. Any employee, elected or appointed official or other person in a contractual relationship with the Village (including volunteers) who is found to have committed an act of sexual harassment may be subject to disciplinary action as provided by village operating procedures, which may include termination.

Intimidation, coercion, threats, reprisals, or discrimination against any employee for complaining about harassment, as described in this policy, is prohibited and may result in disciplinary action.

5. All employees will be held responsible and accountable for avoiding or eliminating prohibited conduct. Employees are to be encouraged to report violations of this policy to their supervisor or to a member of the Sexual Harassment Committee. The Sexual Harassment Committee shall consist of five (5) members, one of whom shall be a Trustee, all to be appointed annually by the Mayor, subject to the approval of the Board of Trustees.

6. FALSE ALLEGATIONS

The Village prohibits deliberately making false and/or malicious harassment or discrimination allegations, as well as deliberately providing false information during an investigation as such actions can have far reaching consequences. Policy violators are subject to disciplinary action, up to and including termination.

7. NON – CONFRONTATION

An alleged victim of harassment, sexual harassment, discrimination, or retaliation is *not required to confront* the person who is the source of the problem or closely associated with the person who is the source of the problem. Instead, the employee may utilize any of the other various avenues of internal complaint. The complainant is required to make a reasonable effort to bring forward any allegations of unlawful harassment, sexual harassment, discrimination, or retaliation so the Village may stop such wrongdoing and prevent future occurrences.

8. CONFLICT OF INTEREST

The Village will make every effort to ensure that those named in a complaint or are too closely associated with those involved in the complaint, will not be part of the investigative team or efforts.

DEFINITION OF SEXUAL HARASSMENT

1. Sexual advances that are not welcome, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

A. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; - OR -

B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions, such as promotion, transfer, or termination, affecting such individual; - OR -

C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile, or offensive working environment.

2. Sexual harassment refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale and that may, therefore, interfere with an employee's work performance and effectiveness or creates an intimidating, hostile, or offensive working environment.

Specific forms of behavior that the Village considers sexual harassment include but not limited to, the following:

A. VERBAL

Abusive verbal language related to an employee's sex, including sexual innuendos, slurs, suggestive, derogatory, or insulting comments or sounds, whistling, jokes of a sexual nature, sexual propositions, and threats.

Sexually oriented comments about an employee's body that are unwelcome and/or unreasonably interfere with an employee's work performance, or create an intimidating, hostile, or offensive working environment.

Any sexual advance that is unwelcome or any demand for sexual favors.

B. NON-VERBAL

Abusive written language, showing or displaying pornographic or sexually explicit objects or pictures, graphic commentaries, leering or obscene gestures in the workplace such that it unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment.

C. PHYSICAL

Physical contact which is not welcome, including touching, petting, pinching, sexual intercourse, assault, or intentional/persistent brushing up against a person's body.

PROCEDURE

1. Employees are encouraged to report incidents of sexual harassment to their department head and/or to the Sexual Harassment Committee as soon as possible after their occurrence. However, if the employee's department head is believed to be involved in the incident, the report should be made directly to any member of the Sexual Harassment Committee.

2. If an employee believes he/she has been sexually harassed and would like to obtain guidance as to how to proceed in filing a complaint, that employee should review the attached Complaint Procedure or contact any member of the Sexual Harassment Committee.

3. When a complaint is filed, the procedures of the Sexual Harassment Committee must be followed, including the time limit of 180 days. The Sexual Harassment Complaint Procedure is attached. It describes the procedural steps to be taken when an employee has filed a complaint, details the responsibilities of all involved parties, and provides the time frames for actions to be taken.

4. All complaints will be handled in a timely and confidential manner. In no event will information concerning a complaint be released by the Village to any third party or to anyone within Village employment who is not directly involved in the investigation.

5. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. The particular facts of the allegation will be examined individually, with a review of the nature of the behavior and the context in which the incident(s) occurred. Confidentiality will be maintained throughout the investigatory process. The Sexual Harassment Committee will also investigate cases in which a supervisor requests or requires assistance.

6. Employees who believe they have been unjustly charged with sexual harassment will be afforded every opportunity to offer and present information in their defense. Such information will be confidential.

7. Any employee who participates in this procedure may do so without fear of retaliation. Retaliation against any employee who has filed a sex discrimination or sexual harassment complaint is illegal and may result in disciplinary action.

8. An employee who is found to have committed an act of sexual harassment may be subject to disciplinary action as provided by Village operating procedures and such action may include termination.

9. Nothing in this policy should be construed as in any way limiting any employee's existing rights to file a grievance, or to file a complaint with the New York State Division of Human Rights or the United States Equal Employment Opportunity Commission, or to take any legal action which he or she may deem advisable.

NOTE: Soley for the purposes of this policy, the term "employee" shall include volunteer.

Adopted: April 1994
Amended: Nov. 16, 2009
Amended: Nov 19, 2018
Amended - March 7, 2022

VILLAGE OF LYNBROOK
SEXUAL HARASSMENT COMPLAINT PROCEDURE

SECTION 1. STEP ONE

A. An aggrieved employee (complainant) will meet with his/her department head¹ to discuss the allegations of sexual harassment and may file a complaint of harassment. If a complaint is filed, the department head or committee member must immediately date and send the signed complaint (Form A) to the Sexual Harassment Committee.

B. All written complaints must be filed by the complainant within 180 days of the alleged act of harassment.²

C. The Complainant may withdraw the complaint in writing at any time by notifying the department head involved or a committee member and filing a Notice of Withdrawal of Complaint (Form B).

SECTION 2. STEP TWO

A. When a written complaint is filed, the department head or committee member will have fifteen (15) days to try to resolve the allegation informally by (1) gathering and assessing the facts he/she deems necessary to resolve it; (2) meeting with the alleged abuser and the complainant separately; and (3) using whatever other methods deemed necessary or appropriate to attempt to resolve the complaint.

B. Regardless of whether the complaint is written or verbal, if a resolution is achieved, the department head or committee member will fill out a Notice of Resolution of Complaint of Harassment (Form C) which all parties must sign. This form, along with all other relevant information, will be sent to the Sexual Harassment Committee. Upon receipt by the committee, the case will be considered closed.

¹ If the complainant feels uncomfortable raising the issue with his or her department head, a member of the Sexual Harassment Committee may be approached.

² Time limits may be extended by a member of the Sexual Harassment Committee.

C. If a complaint is not resolved, it will be turned over to the Sexual Harassment Committee. The Sexual Harassment Committee will investigate the complaint, call the witnesses to appear before the committee, and review any other evidence the committee feels credible and probative of the allegation(s). Notice of the complaint and a copy of the complaint must be given to the accused, who shall also be afforded an opportunity to appear before the committee, with or without counsel, if he/she so desires. The Committee will have ten (10) working days to investigate the complaint and an additional ten (10) working days to render a decision.

D. Written notice of the committee's decision will be given to both the complainant and the accused.

E. In the event that the committee has determined that an instance of sexual harassment has occurred, its findings shall be forwarded to the Mayor, Board of Trustees and Village Clerk.

**VILLAGE OF LYNBROOK
COMPLAINT OF SEXUAL HARASSMENT**

NAME OF
COMPLAINANT _____

ADDRESS _____

HOME PHONE _____ WORK PHONE _____

DATE OF HIRE _____

DEPARTMENT EMPLOYED IN _____

DEPARTMENT HEAD _____

NAME & TITLE OF PERSON(S) COMPLAINED OF:

DATE(S) OF INCIDENT(S) _____ TIME _____

DESCRIPTION OF INCIDENT(S) _____

ARE YOU STILL EMPLOYED WITH THE VILLAGE OF LYNBROOK _____

ACTION YOU ARE SEEKING _____

SIGNATURE _____ DATE _____

VILLAGE OF LYNBROOK
NOTICE OF WITHDRAWAL OF COMPLAINT OF SEXUAL HARASSMENT

COMPLAINANT'S NAME _____

TITLE & DEPARTMENT _____

DATE COMPLAINT FILED _____

DEPARTMENT HEAD NOTIFIED _____

I hereby withdraw this complaint and agree that no further action is required on it.

Complainant's Signature

Date