

VILLAGE OF OLD FIELD HARASSMENT PREVENTION POLICY

Prohibition Against Harassment in the Workplace

It is the policy of the Village of Old Field (“Village”) to maintain a workplace that is free from harassment. Each individual has the right to work in a professional atmosphere which prohibits discriminatory practices, including sexual harassment and harassment based on race, color, creed, religion, gender, sexual orientation, marital status, national origin, age, disability, or other protected status. Harassment, whether verbal, physical or environmental, is considered a serious offense and will not be tolerated. The Village’s policies concerning harassment and discrimination are set forth in detail below.

Definition of Sexual Harassment

Sexual harassment includes unwelcome or unwanted conduct of a sexual nature. Generally, sexual harassment falls into two categories: (1) when an employee’s submission to or rejection of this conduct affects decisions regarding hiring, evaluation, promotion or other aspects of employment, or (2) when the conduct substantially interferes with an individual’s employment or creates an intimidating, hostile, or offensive work environment.

It is important to note that sexual harassment crosses age and gender lines and should not be stereotyped. Among other situations, sexual harassment can involve two women or two men. Examples of behavior that violate this policy and may constitute sexual harassment include, but are not limited to:

- coerced sexual acts;
- express or implied demands for sexual favors in exchange for favorable reviews, assignments, promotions, continued employment or promises of continued employment;
- unwanted sexual advances to which an employee objects;
- staring at, touching, or assaulting an individual’s body;
- verbal commentary about an individual’s body or sexuality;
- sexual jokes, language, epithets, gossip, comments or questions; unwanted flirtations, advances, or propositions;
- repeatedly asking an employee for a date after the employee has clearly indicated that he or she is not interested;
- sexually suggestive, insulting, or obscene comments or gestures;
- the display in the workplace of graphic and sexually suggestive objects, pictures or graffiti;
- hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity and the status of being transgender;

- harassment consistently targeted at only one sex, even if the content of the verbal abuse is not sexual; or
- retaliation against an employee for complaining about the type of behavior described above.

The type of behavior described above is unacceptable not only in the workplace, but also in other work-related settings such as business trips or business-related social events.

Definition of Harassment Based on Race, Color, Creed, Religion, Gender, Sexual Orientation, Marital Status, National Origin, Age, Disability or Other Protected Status

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion towards an individual because of his or her race, color, creed, religion, gender, national origin, sexual orientation, marital status, age, disability or other protected status. For example, racial harassment includes, but is not limited to, harassment based on an immutable characteristic associated with race (e.g., skin color or facial features). It is the policy of the Village to prohibit behavior that: (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise has the purpose or effect of adversely affecting an individual's employment opportunities.

Examples of behavior that violate this policy and may constitute unlawful harassment include, but are not limited to:

- epithets, slurs, quips, or negative stereotyping that relate to race, color, creed, religion, gender, national origin, sexual orientation, marital status, age, disability or other protected status;
- threatening, intimidating or hostile acts that relate to race, color, creed, religion, gender, national origin, sexual orientation, marital status, age, disability or other protected status;
- written or graphic material (including graffiti) that disparages, insults, or shows hostility or aversion toward an individual or group because of race, color, creed, religion, gender, national origin, sexual orientation, marital status, age, disability or other protected status and that is placed on walls, bulletin boards, or elsewhere on our premises, or circulated or displayed in the workplace; or
- "jokes," "pranks" or other forms of "humor" that are demeaning or hostile with regard to race, color, creed, religion, gender, national origin, sexual orientation, marital status, age, disability or other protected status.

The type of behavior described above is unacceptable not only in the workplace, but also in other work-related settings such as business trips or business-related social events. Similar behavior by telephone, text, email or social media is also unacceptable and may constitute unlawful harassment, even if such conduct occurs away from the workplace or not during work hours.

Individuals Covered by This Policy

This policy covers all employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Any type of harassment as defined herein, whether engaged in by fellow employees, supervisors, or by non-employees with whom the employees come into contact during the course of employment, is contrary to this policy and will not be tolerated. The Village encourages the reporting of all incidents of harassment or discrimination, regardless of who the offender may be.

Reporting a Complaint

The Village encourages individuals who believe they are being harassed to firmly and promptly notify the alleged offender that his or her behavior is unwelcome, offensive, or inappropriate. However, perceived power and status disparities between an alleged offender and a victim in some cases may make such a confrontation difficult. Therefore, it is not required that you communicate with the alleged offender directly.

Whether or not you discuss the incident with the alleged offender, any employee who believes that he/she has been subjected to harassment or discrimination should report the incident to his/her supervisor or the Mayor or Member of the Board of Trustees. You may also complete the Complaint Form at the end of this policy and submit it by e-mail to mayor@oldfieldny.org if you believe you have experienced or witnessed conduct that violates the Village's policy. You are not required to use this form to file a complaint.

In addition to reporting a complaint internally, you may also file a complaint of unlawful workplace discrimination, harassment or retaliation under Title VII of the Civil Rights Act of 1964, as amended, the New York State Executive Law Section 296, and/or any applicable local law with the New York State Division of Human Rights (www.dhr.ny.gov), the U.S. Equal Employment Opportunity Commission (www.eeoc.gov), and/or the New York City Commission on Human Rights (www.nyc.gov/humanrights). You may also pursue the matter through a private lawsuit in federal or state court. If there is a finding of unlawful conduct under any of the applicable federal, state, or local statutes, remedies may include back pay, monetary damages, reinstatement, and requiring a change in the employer's policies.

Retaliation Will Not Be Tolerated

The Village encourages prompt reporting of complaints so that rapid and appropriate action may be taken. Employees may be required to cooperate as needed in an investigation of suspected sexual harassment. The Village will not in any way retaliate against an individual who makes a report of perceived harassment; nor will the Village permit any employee to do so. Retaliation is a serious violation of the Village's harassment policy and anyone who feels they have been subjected to any acts of retaliation should immediately report such conduct. Any person found to have retaliated

against another individual for reporting any perceived acts of harassment will be subject to disciplinary action up to and including discharge.

Complaints Will Be Investigated

All allegations of harassment will be investigated with due regard for the privacy of everyone involved. The Village will endeavor to maintain confidentiality throughout the investigatory process to the extent practical and appropriate under the circumstances.

The Village accepts no liability for harassment of one employee by another employee. The individual who makes unwelcome advances, threatens, or in any way harasses another employee is personally liable for such actions and their consequences. The Village may or may not provide legal, financial or any other assistance to an individual accused of harassment if a legal complaint is filed.

If the Village finds that inappropriate workplace behavior or harassment occurred, the individual responsible for such behavior will be subject to appropriate disciplinary action. Any supervisory or managerial personnel who knowingly allows such behavior to continue will also be subject to appropriate disciplinary action. Although the specific corrective disciplinary actions against the individual will be within our discretion, it may include a verbal or written reprimand, suspension, or termination of employment.

False accusations of harassment can cause serious harm to innocent persons. If an investigation results in a finding that the complainant knowingly, or in a malicious manner, falsely accused another person of harassment, the complainant will be subject to disciplinary action up to and including discharge.

