

**Town of North Hempstead
ANTI- HARASSMENT POLICY**



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Unlawful Harassment

It is the policy of the Town of North Hempstead (“the Town”) that all employees and applicants, as well as everyone with whom we do business (*e.g.*, outside vendors, consultants, members of the public, contractors), should be able to enjoy a work environment free from discrimination based on race, color, creed, sex, age, sexual orientation, disability, religion, national origin, marital, military or veteran status, or any other basis protected by federal, state or local law. Harassment which violates the law will not be tolerated.

Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or visual, verbal or physical conduct of a sexual nature when:

- Submission to the conduct is made either explicitly or implicitly a term or condition of an individual’s employment; or
- Submission to, or rejection of, such conduct is used as the basis for employment decisions affecting such individuals; or
- Such conduct has the purpose or effect of interfering unreasonably with the individual’s work performance or creating an intimidating, hostile or offensive work environment that is, or would be, offensive to a person of reasonable sensitivity and sensibilities.

This definition includes many forms of offensive behavior. It makes no difference if the harassment is “just joking” or “teasing” or “playful.” The following is a partial list of examples of sexually harassing conduct:

- Unwanted sexual advances
- Offering employment benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct such as leering; making sexual gestures; or displaying sexually suggestive or degrading objects, pictures, cartoons, posters, or computer or television broadcasts
- Verbal conduct such as making or using derogatory comments; sexual propositions, sexually explicit jokes or jokes concerning gender-specific traits; sexually explicit comments about an individual’s body or clothing; comments about an individual’s sexual desirability; sexually degrading words to describe an individual; suggestive or obscene letters, notes or invitations; or playing radio or television broadcasts in the workplace that contain sexually suggestive or degrading conversation
- Physical conduct such as touching, petting, pinching, impeding or blocking movements, or assault
- Retaliation for reporting harassment or threatening to report harassment.

It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment on the job is unlawful, whether it involves co-worker harassment, harassment by a supervisor or member of management, or harassment by persons doing business with or for the Town.

Other Forms of Harassment

Prohibited harassment on the basis of other protected classes includes behavior similar to sexual harassment. It makes no difference if the harassment is “just joking” or “teasing” or “playful.” Following is a partial list of examples of harassing conduct:

- Visual conduct such as derogatory posters, photographs, cartoons, drawings, gestures, or computer or television broadcasts
- Verbal conduct such as ethnic or religious jokes, or derogatory comments, slurs, innuendoes, epithets or threats (including those uttered over radio or television broadcasts)
- Physical conduct such as touching, blocking movements or assault
- Retaliation for reporting harassment or threatening to report harassment.

Complaint Procedure

The Town’s complaint procedure provides for an immediate, thorough and objective investigation of any claim of harassment, appropriate disciplinary action against one found to have engaged in prohibited harassment, and appropriate remedies for any victim of harassment. A claim of harassment may exist even if the employee has not lost a job or economic benefit. Each employee, supervisor and manager is responsible for maintaining a workplace free from harassment. Accordingly, any employee who believes the actions or words of a co-worker, supervisor, manager or individual with whom the Town is doing business constitute unwelcome harassment should take the following actions:

- If possible, tell the harasser that his or her actions are not welcome and must stop.
- Promptly report the incident to the Department Head. This may be done either verbally or in writing. It is strongly encouraged that an employee file a written complaint (Form A). The complaint should be as detailed as possible and include the names of the individuals involved, witnesses, direct quotes and or evidence (*i.e.*, notes, e-mails, etc.).

All incidents of harassment will be expeditiously investigated and handled as discreetly as possible. Supervisors and managerial personnel must take timely and appropriate corrective action when instances of sexual harassment or other forms of harassment come to their attention. The Town is responsible for investigating any case of alleged or suspected harassment, even if the victim makes no formal complaint or does not want the matter pursued. The accused shall be afforded an opportunity to present his or her version of events in the presence of a union representative or attorney where required by law. All individuals are hereby directed and required to cooperate with the Town in fulfilling its investigative function. All complaints of harassment and the investigation of complaint(s) are confidential to the maximum extent consistent with law and the Town’s obligations to conduct a thorough investigation.

If the investigation is conclusive, 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, will be taken in accordance with applicable law. Once a determination has been made, it will be communicated to the employee who complained, as well as to the accused harasser.

Retaliation of any kind against an employee who makes a good-faith report of harassment or who participates in an investigation into a harassment complaint is strictly prohibited. Follow-

up interview(s) with the complainant will be conducted for an appropriate period of time, to ensure that the harassment has not resumed and that no retaliatory action has been taken.

FORM A

Complaint of Harassment

Date of Complaint: _____

Date of Incident: _____

Complainant: _____

Charged Person(s): _____

Description of Incident: (Attach additional sheets if necessary)

Name(s) of witness(es), if any: _____

Has the incident been reported before: _____

If yes, when, to whom, and what was the resolution?: _____

Complainant

Complaint Received by: _____