



VILLAGE OF STEWART MANOR, NEW YORK

Sexual Harassment Policy Statement

Introduction

As with discrimination involving race, color, religion, age, sexual orientation, disability and national origin, the Village of Stewart Manor also prohibits sex discrimination, including sexual harassment of its employees in any form. The Village will take all steps necessary to prevent and stop the occurrence of sexual harassment in the work place.

- 1) This policy applies to all village employees 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 work place.
- 2) Supervisory personnel are responsible for ensuring a work environment free from unsolicited, unwelcome and 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.
- 3) Any employee 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.

Additionally, retaliation against any employee who has filed a sex discrimination or sexual harassment complaint is illegal and may result in disciplinary action.

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

- 4) All employees will be held responsible and accountable for avoidable or eliminating the prohibited conduct.

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 or termination, affecting such individual; or

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

2. Sexual harassment refers to behavior that is not welcome, is personally offensive and fails to respect the rights of others.

Specific forms of behavior the Village considers sexual harassment include, but are 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.

b. NON-VERBAL – abusive written language, showing or displaying pornographic or sexually explicit object or pictures, graphic commentaries, leering or obscene gestures in the work place 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, coerced sexual intercourse, assault or persistent brushing up against a person's body.

Procedures

Employees are encouraged to report incidents of sexual harassment to their supervisor, village administrator and/or the Board of Trustees as soon as possible after their occurrence. However, if the employee's supervisor is believed to be involved in the incident, the report should be made directly to the village administrator and/or to the Board of Trustees.

When a complaint is duly filed, it will be reviewed by the Sexual Harassment Committee (Board of Trustees).

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.

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 investigation process.

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.

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.

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.

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