

# **TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY**

## **ANTI-DISCRIMINATION AND HARASSMENT POLICY**

Adopted: February 6, 2019  
Reaffirmed: February 5, 2020 – Resolution 4 (2020)  
Reaffirmed: February 24, 2021 – Resolution 6 (2021)  
Reaffirmed: March 9, 2022 – Resolution 5 (2022)  
Reaffirmed: February 22, 2023 – Resolution 7 (2023)

### **AUTHORITY AND PURPOSE**

The Town of North Hempstead Community Development Agency's (the "Agency") Anti-Discrimination and Harassment Policy (the "Policy") is adopted in order to ensure that all employees are informed of the Agency's policy on discrimination, harassment, and retaliation, to assist employees who complain of prohibited conduct and to maintain in each office a working environment free from discrimination, harassment, and retaliation.

The Policy applies to employees, board members, applicants for employment, interns (paid and unpaid), contractors and persons, and entities conducting business with the Agency.

### **ANTI-DISCRIMINATION POLICY**

The Agency is an equal opportunity employer and is committed to making all employment decisions and conducting all business without regard to age, race, creed, religion, color, sex, national origin, disability, marital status, ancestry, citizenship, pregnancy, sexual orientation, veteran status (each classification constitutes a protected class), or any other status protected by federal, state or local law. Anyone who believes that he or she has been unlawfully discriminated against on the basis of any of these characteristics, or who believes he/she has been retaliated against for making a complaint of discrimination or participating truthfully in an investigation of such a complaint must immediately report the incident as set forth in the Agency's complaint procedure.

### **ANTI-HARASSMENT POLICY**

#### **Unlawful Harassment**

The Agency is committed to maintaining a workplace free from harassment. It is the policy of the Agency that all employees, applicants for employment, interns (paid and unpaid), and persons conducting business with the Agency (*e.g.*, outside vendors, contractors, consultants, members of the public, volunteers, temporary workers), should be able to enjoy a work environment free from harassment based on age, race, creed, religion, color, sex, national origin, disability, marital status, ancestry, citizenship, pregnancy, sexual orientation, veteran status, or any other basis protected by federal, state or local law. Harassment which violates this policy will not be tolerated.

#### **Sexual Harassment**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and 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 can occur between any individuals, regardless of their sex or gender. A perpetrator of sexual harassment can be a supervisor, a subordinate, a co-worker, or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Sexual harassment includes unwelcome conduct which is either of a sexual nature or which is directed to an individual because of that individual's sex 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, even if the reporting individual is not the intended target of the sexual harassment.

A hostile work environment based on sexual harassment includes but is not limited to words, signs, jokes, pranks, intimidation or physical violence which is of a sexual nature, or which is directed at an individual because of that individual's sex.

Sexual harassment consists of any unwanted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation or which interfere with the recipient's job performance.

Sexual harassment occurs when a person in authority tries to trade job benefits for sexual favors. Job benefits may include hiring, promotion, continued employment, or any other terms, conditions or privileges of employment. This is also "quid pro quo" harassment.

Sexual harassment is not limited to the physical workplace. It can occur outside of the workplace while individuals are traveling for business or at employer-sponsored events, programs, activities, or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment even if they occur away from the workplace premises or outside of work hours.

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Unwanted sexual advances or propositions including requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments and subtle or obvious pressure for unwanted sexual activities;
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience which creates a hostile work environment;
- Sex stereotyping which 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;

- Sexual or discriminatory displays or publications anywhere in the workplace, including displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes displays on workplace computers, cell phones or other electronic devices and sharing these displays while in the workplace; or
- Physical conduct such as touching, petting, pinching, patting, kissing, hugging, grabbing, brushing against another person's body, impeding or blocking movements, poking another person's body, rape, sexual battery, molestation or any such attempts to commit such [œ] assaults.
- Hostile actions taken against an individual because of his/her sex, sexual orientation, gender identity or transgender status, including interfering with, destroying or damaging a person's work station, tools, equipment, or otherwise interfering with the person's ability to perform the job; sabotaging a person's work; and bullying, yelling or name-calling.

Any employee or individual who engages in sexual harassment will be subject to disciplinary action, subject to any statutory or contractual limitations, including, but not limited to, suspension or termination of employment.

### **Other Forms of Harassment**

Harassment on the basis of a protected class other than sex is unlawful under federal, state, and local law. Prohibited conduct includes behavior similar to that outlined under sexual harassment. The following are some examples of harassing conduct on the basis of race, religion, ethnicity, disability or another protected class:

- Discriminatory displays or publications based on membership in a protected class, anywhere in the workplace including displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are racially, ethnically or religiously demeaning. This includes displays on workplace computers, cell phones or other electronic devices and sharing these displays while in the workplace. Visual conduct based on membership in a protected class, such as derogatory posters, photographs, cartoons, drawings, gestures, or computer or television broadcasts;
- Gestures, noises, remarks, jokes or comments related to a person's verbal conduct and based on membership in a protected class, such as racial, ethnic or religious jokes, or derogatory comments, slurs, innuendoes, epithets or threats (including those uttered over radio, television broadcasts, internet, and social media); or
- Physical conduct such as touching, impeding, blocking movements, or assault and battery, assault or attempts to commit such assaults because of someone's membership in a protected class.; or
- Hostile actions taken against an individual because of his/her protected class status, including: interfering with, destroying or damaging a person's workstation, tools, equipment, or otherwise interfering with the person's ability to perform the job; sabotaging a person's work; and bullying, yelling or name-calling.

Any employee or individual who engages in other types of discriminatory harassment will be subject to disciplinary action, subject to any statutory or contractual limitations, including, but not limited to, suspension or termination of employment.

## **RETALIATION**

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

Unlawful retaliation can be any action that would discourage an employee or individual from coming forward to make or support a harassment or discrimination claim. Adverse action need not be job related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Retaliation is unlawful under federal, state, and local law. New York State Human Rights Law protects any individual who has engaged in “protected activity.”

Protected activity occurs when a person has:

- Filed a complaint of harassment or discrimination, either internally or with any anti-discrimination agency;
- Testified or assisted in a proceeding involving harassment or discrimination under the Human Rights Law or other anti-discrimination law;
- Opposed harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- Complained that another employee has been harassed or been discriminated against; or
- Encouraged a fellow employee to report harassment or discrimination.

Any employee or individual who engages in retaliation will be subject to disciplinary action, subject to any statutory or contractual limitations, including, but not limited to, suspension or termination of employment.

## **COMPLAINT AND INVESTIGATION PROCEDURE**

### **Complaints**

The Agency’s complaint procedure provides for an immediate, thorough, and objective investigation of any claim, whether in verbal or written form, of unlawful harassment, discrimination or retaliation. Investigations will be conducted in a timely manner and will be confidential to the extent possible.

Any individual who believes that he/she has been a target of harassment, discrimination and/or acts of retaliation in violation of this Policy should immediately report that conduct to the Executive Director and/or Deputy Executive Director; the Town of North Hempstead Commissioner of Human Resources; the Town of North Hempstead Attorney and/or their designee(s). The individual may also elect to seek legal remedies, as explained below in the section on “Legal Protections.”

Anyone who witnesses or becomes aware of potential instances of harassment, discrimination and/or retaliation should report such behavior to the Executive Director and/or Deputy Executive Director; the Town of North Hempstead Commissioner of Human Resources; the Town of North Hempstead Attorney, and/or their designee(s). Reports of harassment or discrimination may be made orally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting harassment or discrimination on behalf of other employees should use the complaint form and note that it is on another’s employee’s behalf.

Any supervisor or manager who receives a complaint or information about suspected discriminatory harassment, observes what may be discriminatory and/or harassing behavior or for any reason becomes aware of or suspects that discriminatory harassment is occurring or has occurred, is required to report that suspected harassment to the Executive Director and/or Deputy Executive Director; the Town of North Hempstead Commissioner of Human Resources; the Town of North Hempstead Attorney and/or their designee(s).

Failure to report suspected discriminatory harassment or otherwise knowingly allowing the continuation of discriminatory harassment may result in disciplinary action, subject to any statutory or contractual limitations.

### **Investigation**

An investigation of any complaint, information, or knowledge of suspected discrimination and/or harassment will be prompt and thorough to the extent possible, confidential.

An employee may be required to cooperate as needed in an investigation of suspected discrimination and/or harassment.

Investigations will be conducted in accordance with the following steps:

- Upon receipt of a complaint, an immediate review of the allegations will be conducted, and any interim action will be taken, as appropriate.
- Obtain and review relevant documents, emails, or phone records.
- Conduct interviews of the parties, including relevant witnesses.
- Prepare a written summary of the investigation that contains the following:
  - A list of reviewed documents and their contents;
  - A list of interviewed parties and witnesses and a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents; and
  - A recommendation in accordance with the procedure outlined under 23-17.8(C)
- Keep the written documentation and associated documents in the employer’s records.
- Inform the complainant of their right to file a complaint or charge externally.

Any person who, upon an investigation in accordance with this Policy, is determined to have engaged in discrimination, harassment, or retaliation will be subject to disciplinary action, subject to any statutory or

contractual limitations, including, but not limited to suspension or termination of employment.

If the discrimination or harassment involves a non-employee or other individual, then other consequences may be implemented up to and including termination of any contractual or other relationship between the Agency and the non-employee or other individual.

## **LEGAL PROTECTION AND EXTERNAL REMEDIES**

Aside from the internal process at the Agency, individuals may also choose to pursue legal remedies with the following governmental entities.

### **New York State Division of Human Rights (DHR)**

The Human Rights Law (HRL) applies to employers in New York State regarding various types of harassment and protects employees, interns, and non-employees. A complaint alleging violation of the Human Rights Law may be filed either with the DHR or in New York State Supreme Court. Complaints with the DHR may be filed any time within one year of the harassment. If an individual does not file at the DHR, they can sue directly in state court pursuant to the HRL within three years of the alleged discrimination. An individual may not file with the DHR if they have already filed an HRL complaint in State court.

Complaining internally to the Agency does not extend your time to file with the DHR or in court. The one-year and three-year time periods outlined above are counted from the date of the most recent incident of harassment or discrimination.

You do not need an attorney to file a complaint with the DHR, and there is no cost to file. The DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, the DHR has the authority to award relief, which varies but may include requiring an employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorneys' fees, and civil fines.

The DHR's main office contact information is NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400.

The contact information for DHR's Nassau County Office is 50 Clinton Street, Suite 301, Hempstead, NY 11550 (516) 539-6848, [www.dhr.ny.gov](http://www.dhr.ny.gov).

Individuals can contact the DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized, and mailed to the DHR. The website also contains contact information for DHR's regional offices across New York State.

### **United States Equal Employment Opportunity Commission (EEOC)**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws; including Title VII of the 1964 Federal Civil Rights Act. An individual can file a complaint with the EEOC anytime within 300 days of the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief but may take other action, including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with the DHR, the DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

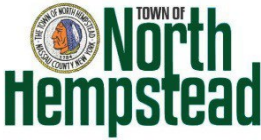
### Local Protections

Many localities enforce laws protecting individuals from harassment and discrimination. An individual should contact the county, village, city, or town in which they live or work to find out if such a law exists.

Anyone who lives or works in Nassau County may file complaints of harassment and/or discrimination with the Nassau County Human Rights Commission at: 240 Old Country Rd., 6th Floor, Suite 606, Mineola, NY 11501, (516) 571-3662.

### Contact the Police Department

If the discrimination and/or harassment involves physical touching, coerced physical confinement, or coerced acts, whether sexual or otherwise, the conduct may constitute a crime and affected individuals should contact the police department.



**COMPLAINT FORM FOR VIOLATIONS OF THE TOWN OF NORTH  
HEMPSTEAD EQUAL EMPLOYMENT OPPORTUNITY POLICY –  
(FORM A)**

Complaint of Discrimination, Harassment or Retaliation

Date of Complaint: \_\_\_\_\_

Date of Incident: \_\_\_\_\_

Department Head: \_\_\_\_\_

Complainant: \_\_\_\_\_

Charged Person(s): \_\_\_\_\_

Relationship to you: Supervisor \_\_\_\_\_ Subordinate \_\_\_\_\_ Co-Worker \_\_\_\_\_ Other \_\_\_\_\_

Description of Incident: (Attach additional sheets if necessary)

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Name(s) of witness(es), if any: \_\_\_\_\_

Has the incident been reported before?: \_\_\_\_\_

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

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I hereby affirm that the information contained in this complaint is true and correct to the best of my knowledge, information, and belief.

Signature of Complainant \_\_\_\_\_ Date \_\_\_\_\_

Received By \_\_\_\_\_ Date \_\_\_\_\_