

Ontario County
Board of Supervisors
Canandaigua, New York 14424

Supervisor Richard Russell offered the following resolution and moved its adoption:

RESOLUTION NO. 309-2023
ADOPTION OF ONTARIO COUNTY NON-DISCRIMINATION AND
SEXUAL HARASSMENT PREVENTION IN THE WORKPLACE POLICY,
AS AMENDED

WHEREAS, Ontario County wishes to promote a productive work environment, and to prohibit conduct that disrupts or interferes with another's work performance or creates an intimidating, offensive, or hostile work environment due to discrimination based on protected status or sexual harassment; and

WHEREAS, Pursuant to Resolution Number 874-2015 this Board of Supervisors adopted the Ontario County Non-Discrimination and Sexual Harassment Prevention in the Workplace Policy, which was amended by and Resolutions 632-2018 and 312-2020; and

WHEREAS, The New York State Department of Labor has finalized updates to its Sexual Harassment model policy template, which all employers must comply with and adopt; and

WHEREAS, Upon review by the Director of Human Resources and the County Attorney's Office, it was determined that modifications to the Ontario County Non-Discrimination and Sexual Harassment Prevention in the Workplace Policy were necessary to ensure compliance with the new requirement; and

WHEREAS, The Governmental Operations and Insurance Committee and the Ways and Means Committee of the Ontario County Board of Supervisors have reviewed the amended Non-Discrimination and Sexual Harassment Prevention in the Workplace Policy with incorporated modifications and recommends its adoption; now, therefore, be it

RESOLVED, That this Board does hereby approve the Non-Discrimination and Sexual Harassment Prevention in the Workplace Policy, as amended and attached hereto and filed with the Clerk of the Board; and be it further

RESOLVED, That the Ontario County Non-Discrimination and Sexual Harassment Prevention in the Workplace Policy, as amended, filed herewith, is adopted and shall be effective on the date of this adoption; and be it further

RESOLVED, That copies of this resolution and attached policy be sent by the Clerk of this Board to all County Department Heads.

STATE OF NEW YORK }
County of Ontario }

I do hereby certify that I have compared the preceding with the original thereof, on file in the Office of the Clerk of the Board of Supervisors at Canandaigua, New York, and that the same is a correct transcript therefrom and of the whole of said original; and that said original was duly adopted at a meeting of the Board of Supervisors of Ontario County held at Canandaigua, New York on June 1, 2023.

Given under my hand and official seal June 2, 2023.

Kristin A. Voss

Kristin A. Voss, Clerk of the Board of Supervisors of Ontario County, NY



Ontario County Policies and Procedures

Non-Discrimination and Sexual Harassment Prevention in the Workplace

Adopted October 25, 2018

Amended May 28, 2020

Amended June 1, 2023

Policy Statement – It is the policy of Ontario County to promote and maintain a productive work environment free from discrimination and sexual harassment. Ontario County prohibits conduct that disrupts or interferes with another’s work performance, or that creates an intimidating, offensive, or hostile work environment due to discrimination or sexual harassment based on protected status. In keeping with this goal, Ontario County is committed to educate employees in the recognition and prevention of workplace discrimination and sexual harassment. The County will not tolerate any form of discrimination or sexual harassment, and will take all steps necessary to prevent and stop the occurrence of such conduct in the workplace. Further, improper conduct may violate the County’s policy, even if it does not rise to the level of illegal discrimination or harassment.

After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with their supervisor or with Human Resources. The accompanying complaint procedure is intended to provide an effective mechanism for reporting, and resolving promptly, complaints of discrimination and sexual harassment, without any risk of retaliation against an employee who, in good faith, files such complaint.

Applicability of Policy – This policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors, subcontractors, vendors, consultants, or anyone employed by them or providing a service in our workplace and persons conducting business with Ontario County (collectively referred to covered individuals), regardless of immigration status.

Prohibited Activity –

- Any conduct that discriminates against, denigrates or shows hostility or aversion toward a person

on the basis of gender, gender identity, sex, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information, genetic predisposition or carrier status, sexual orientation, domestic violence victim status, or any other protected status is strictly prohibited. Such conduct may also violate the law.

- Offensive or derogatory comments based on any other protected status either directly or indirectly to another person.
- Offensive or inappropriate written materials or electronic communications (e.g. letters, e-mail, text messages, social media postings, or graffiti) that relates or refers to a protected status. These are examples of harassment that are prohibited forms of discrimination under state and federal employment law and are also considered misconduct subject to disciplinary action by the County. These examples are not intended to be a comprehensive list and do not limit the County's ability to take disciplinary action in other instances for inappropriate conduct.
- Retaliatory action or conduct, as defined in this Policy, against an employee or covered individual who reports, provides information, or participates in an investigation related to a claim of discrimination or sexual harassment is prohibited.

Supervisory Responsibility – Department heads and supervisory personnel are responsible for maintaining a work environment that is free from discrimination and sexual harassment and have a responsibility to prevent sexual harassment and discrimination. In order to assure compliance with this policy, department heads and supervisors are **required** to promptly report to the Director of Human Resources any complaint of discrimination or sexual harassment that they receive, or any discrimination or harassment that they observe, suspect, or of which they become aware. Department heads and supervisors should not be passive and wait for an employee to make a claim of discrimination and/or harassment. If they observe such behavior, they **must** act.

Department heads and supervisors may be subject to disciplinary action, up to and including termination, for failing to report suspected discrimination or sexual harassment, or knowingly permitting such conduct to continue in the workplace. Department heads and supervisors will also be subject to discipline for engaging in any retaliation against a person who makes a complaint of discrimination or sexual harassment, or who assists, participates, or testifies in any investigation or proceeding related to such complaint.

Department heads and supervisors may also be held to be personally liable for damages on a successful claim of sexual harassment or discrimination for failing to take appropriate action to prevent any improper conduct from continuing.

While Department heads and supervisors have a responsibility to report harassment and discrimination, they must be mindful of the impact that discrimination/harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Department heads and supervisors must accommodate the needs of individuals who have experienced harassment or discrimination to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

Definition of Sexual Harassment – Sexual harassment is a form of gender-based discrimination and is unlawful under federal and state 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 is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender-based discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment.

- Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences.
- Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of Ontario County's policy.
- The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts.

Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is verbal or physical conduct of a sexual nature when:

- Acceptance of such unwelcome conduct is made, either explicitly or implicitly, a term of condition of an individual's employment; OR
- Submission to or rejection of such unwelcome conduct by an individual is used as the basis for employment decisions, such as shift assignments, granting of overtime or leave usage, promotion, transfer, or termination, affecting such individual; OR
- 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. The impacted person does not need to be the intended target of the sexual harassment

Sexual harassment refers to behavior that is not welcome, that is personally and objectively offensive from the standpoint of a reasonable victim with the same protected characteristics, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with an employee's work performance and/or effectiveness or creates an intimidating, hostile or offensive working environment.

Exposure to such conduct that serves to alter the terms and conditions of employment is prohibited by this policy and state and federal law.

Who can be the Target of Sexual Harassment? Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassers can be anyone in the workplace, including a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can Sexual Harassment Occur? Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, virtual meeting platforms, messaging apps, and social media usage by employees may, in certain circumstances, constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Types of Sexual Harassment – The following describes two types of sexual harassment, which are prohibited.

- Quid pro quo harassment. Sexual harassment that occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment.
- Behaviors that contribute to a hostile work environment include. These prohibited behaviors include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.

The above list is just a sample of unlawful sexual behaviors and should not be considered exhaustive.

Even if it does not appear on this list, if an individual believes they have experienced or witnessed sexual harassment they should report it.

Examples of Sexual Harassment

- Unwanted sexual comments, advances, or propositions, such as:
 - “Quid pro quo” threats or promises, by a supervisor in an attempt to trade job benefits for sexual favors (e.g. loss of job or promise of job, promotion, or other employment benefit).
 - Repeated requests for dates or romantic gestures, including gift-giving.
 - Subtle or obvious pressure for unwelcome sexual activity.
 - Any sexual advance that is unwelcome or any demand for sexual favors.
- Physical acts of a sexual nature, such as:
 - Unwanted physical contact, of any kind that may be perceived to be sexual in nature, such as touching, patting, poking, kissing, pinching, hugging, grabbing, intentionally brushing against another employee’s body.
 - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy. (Law enforcement should be contacted to pursue criminal charges)
- Sexually oriented comments, noises, remarks, questions or comments about a person’s sexuality or sexual experience, sexually explicit derogatory statements, or sexually disparaging remarks or gestures that are unwelcome and offensive or objectionable to the recipient, which interfere with an employee’s work performance or create an intimidating, hostile, or offensive working environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
 - Verbal harassment of a sexual nature related to an employee’s sex, gender identity, or gender expression, including sexual innuendoes, slurs, suggestive, derogatory, insulting or lewd comments or sounds, whistling, jokes of a sexual nature, sexual propositions and/or threats.
- Sex stereotyping, which occurs when someone’s conduct or personality traits are judged based on other people’s ideas or perceptions about how individuals of a particular sex should act or look:
 - Remarks regarding an employee’s gender expression, such as wearing a garment typically associated with a different gender identity; or
 - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or sexually suggestive written, recorded or electronically

transmitted material publications anywhere in the workplace, such as:

- Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually explicit, demeaning, obscene or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace or with co-workers;
 - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
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- Hostile actions taken against an individual because of that individual's protected status, such as:
 - Interfering with, damaging, or destroying a person's workstation, tools, equipment, or otherwise interfering with their ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, or derogatory/offensive name-calling
 - Intentional misuse of an individual's preferred pronouns;
 - Creating different expectations for individuals based on their perceived identities:
 - Dress codes that place more emphasis on women's attire;
 - Excluding parents/caregivers out of meetings.

Definition of Discrimination – Any conduct that discriminates against, denigrates or shows hostility or aversion toward a person on the basis of gender, gender identity, sex, race, color, national origin, religion, disability, pregnancy, age, marital status, veteran status, military status, arrest or conviction record, genetic information, genetic predisposition or carrier status, sexual orientation, domestic violence victim status, or any other protected status.

Examples of Discrimination – The following describes some types of behavior that Ontario County considers discrimination and which are prohibited. This list is just a sample and should not be considered exhaustive. Even if it does not appear on this list, if an individual believes they have experienced or witnessed discrimination they should report it:

- Hostile actions taken against an individual because of that individual's protected status, such as:
 - Interfering with, damaging, or destroying a person's workstation, tools, equipment, or otherwise interfering with their ability to perform the job;

- Sabotaging an individual's work;
- Bullying, yelling, or derogatory/offensive name-calling
- Intentional misuse of an individual's preferred pronouns;
- Creating different expectations for individuals based on their perceived identities:
 - Dress codes that place more emphasis on women's attire;
 - Excluding parents/caregivers out of meetings.
- Discriminatory displays or written, recorded or electronically transmitted material publications anywhere in the workplace that present a negative connotation or depiction of a protected class, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are derogatory or demeaning. This includes displays on workplace computers or cell phones and sharing such displays while in the workplace or with co-workers;
 - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Verbal harassment based on protected status, including negative comments, slurs, derogatory, insulting or lewd comments or sounds, discriminatory jokes, and/or threats.

Reporting of Discrimination and Sexual Harassment – Ontario County cannot prevent or remedy discrimination or sexual harassment unless it knows about it. Everyone must work toward preventing discrimination and sexual harassment, but leadership matters. **Department heads and Supervisors have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination.** Employees or other covered individuals who believe they have been subject to discrimination or sexual harassment, or who witnessed or became aware of such conduct, are encouraged to report such incidents to their supervisor, department head, or the Human Resources Department, as soon as possible after the occurrence. Reports may be made verbally, however, employees are strongly encouraged to submit a written complaint using the attached Discrimination and Sexual Harassment Complaint Form (hereinafter "Complaint Form"), although use of this complaint form is not required. Employees who are reporting discrimination or sexual harassment on behalf of other employees may use the complaint form and should note that it is on another employee's behalf. A

verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

If the employee's department head is believed to be involved in the incident, or if the employee is not comfortable in addressing the matter with the department head, the report should be made directly to the Director of Human Resources. If the employee does not feel comfortable addressing the matter with the department head or Director of Human Resources, the report can be made to the County Administrator or to the anonymous compliance hotline.

Employees who believe they have been discriminated against or harassed and would like to obtain guidance on the process of filing a complaint, should contact their immediate supervisor, their department head, the Director of Human Resources, or the County Administrator. Employees who work during off-hours are encouraged to contact their supervisor, their department head, the Director of Human Resources, or the County Administrator at home if these individuals do not work during the employee's shift.

Employees or covered individuals who believe they have been a victim of discrimination or sexual harassment may also seek assistance in other available forums, as explained below in the section on *Legal Protections and External Remedies*.

Bystander Intervention - Any employee witnessing harassment or discrimination as a bystander is encouraged to report it. A department head or supervisor that is a bystander to harassment or discrimination is required to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individuals involved and distract them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check-in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and

5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment or discrimination in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A department head or supervisor that is a bystander to harassment is **required** to report it.

Complaints and Investigations

Confidentiality – All complaints of discrimination and sexual harassment will be promptly and thoroughly investigated in a manner that is as impartial and confidential as possible. To the extent possible, no information concerning a complaint will be released by the County to third parties or to anyone within the County employment who is not directly involved in the investigation or handling of the complaint unless otherwise required by law.

Investigation of Complaint

- Any complaints received, whether reported in verbal or written form, will be investigated promptly and thoroughly, and investigations will be completed as soon as possible.
- Upon receipt of a complaint, the County will determine the appropriate individual(s) to conduct the investigation, and will take any interim preventative actions, as appropriate.
- The investigation will normally include interviewing the parties involved and any named or apparent witnesses, as well as the collection and review of any relevant documentation.
- All parties involved, including the complainant(s), witnesses, and those accused of alleged discrimination or sexual harassment, will be accorded due process as described herein, to protect their rights to a fair and impartial investigation.
- 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.
- All employees are required to cooperate in an investigation, if so directed.
- The content and disposition of the investigation shall be recorded in a written report maintained in a secure and confidential file in the Department of Human Resources.
- The reporting employee and the individual about whom the complaint is made shall

receive a prompt notification that the investigation has been completed and any corrective actions have been identified in the written document.

- The individual(s) who reported the complaint, if known, will also be notified of the right to file a complaint or charge externally as outlined in the below *Legal Protections and External Remedies* section.

Employee Rights – Nothing in this policy should be construed as in any way limiting employees’ rights to use the grievance procedure contained in their collective bargaining agreement or to file a formal complaint with appropriate state or federal agencies responsible for administering anti-discrimination and sexual harassment laws, as described below in more detail in the *Legal Protections and External Remedies* section.

Disciplinary Action – Discriminatory conduct, sexual harassment, and retaliation are forms of employee misconduct. Any employee or official who is found to have violated this policy will be subject to disciplinary action, up to and including termination of employment, as provided by County operating procedures, applicable statutes including Public Officers Law and Civil Service Law, or the disciplinary procedures contained in a collective bargaining agreement. Any covered individual who violates this policy will be subject to remedial action, to the extent that the County is empowered to take such action.

Prohibition Against Retaliation – Retaliation against any employee or covered individual who, in good faith, brings a written or verbal complaint of discrimination or sexual harassment, or who assists, participates, or testifies in any investigation or proceeding related to such complaint, regardless of whether or not the alleged harassment rises to the level of a violation of this policy or the law, is unlawful and strictly prohibited.

No one should fear reporting sexual harassment or discrimination if they believe it has occurred, or fear participating in an investigation. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. All employees and covered individuals working in the workplace who believe they have been subject to such retaliation should inform a department head, supervisor, or the Director of Human Resources. All employees and covered

individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on *Legal Protections and External Remedies*.

The County will not tolerate or permit adverse treatment of employees because they report discrimination or sexual harassment or provide information related to such complaints. Violations of this prohibition may result in disciplinary action up to and including dismissal from employment.

Definition of Retaliation – Retaliation is any action by an employer or supervisor that punishes or has a negative employment impact on an individual upon learning of a harassment claim, that seeks to discourage an employee or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward, or participate in an investigation. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files without lawful request;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as “difficult” and excluding them from projects to avoid “drama”;
- Undermining an individual’s immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.

Such retaliation is unlawful under federal, and state law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other anti-discrimination law;

- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful.

However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

False Accusations – An employee who knowingly makes a false accusation against another individual as to allegations of discrimination or sexual harassment as set forth in this policy will be subject to disciplinary action up to and including dismissal from employment in accordance with applicable disciplinary provisions, laws rules or regulations. Disciplinary action resulting from an employee’s intentional submission of a false complaint does not constitute retaliation under this policy.

Legal Protections And External Remedies – Discrimination and sexual harassment are not only prohibited by Ontario County but are also prohibited by state, federal, and, where applicable, local law. Aside from the Ontario County’s internal process, employees and covered individuals may also choose to pursue legal remedies with the following governmental entities:

New York State Division of Human Rights (DHR) – The New York State Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 *et seq.*, applies to all employers in New York State with regard to discrimination and sexual harassment, and protects employees, and covered individuals, regardless of immigration status. A complaint alleging violation of the HRL may be filed with either DHR or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time within three years of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court. For other types of discrimination, victims must file complaints within one year of other discriminatory

acts. Complaining internally to Ontario County does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment. You do not need an attorney to file a complaint with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination or sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination or sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the discrimination or harassment, or redress the damage caused, including monetary damages, attorney's fees and civil fines.

DHR's contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458; (718) 741-8400; www.dhr.ny.gov.

Contact DHR at www.dhr.ny.gov/complaint for more information about filing a complaint, to obtain a downloadable complaint form, or to obtain contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone

The United States Equal Employment Opportunity Commission (EEOC) – The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e *et seq.*). An individual can file a complaint, at no cost, with the EEOC anytime within 300 days from the discrimination or harassment. 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 or harassment is found to have occurred.

An employee alleging discrimination or harassment at work may 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 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed a complaint with DHR, 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 sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

Local Police Department – If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. You may wish to contact the local police department.

Adopted: Res No: 632-2018 on 10/25/2018
Amended by Res No: 313-2020, Adopted: 05/28/20
Amended by Res No: -2023, Adopted: