

INCORPORATED VILLAGE OF NISSEQUOGUE POLICY AGAINST DISCRIMINATION AND HARASSMENT

The Incorporated Village of Nissequogue is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered illegally harassing, coercive or disruptive. Unlawful discrimination or harassment based on any characteristic or status protected by applicable law including, but not limited to, race, color, national origin, creed, age, genetic information, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction (in violation of Article 23-A of the New York Correction Law), military or veteran service status, use of a guide dog, or hearing dog or service dog is strictly prohibited and will not be sanctioned or tolerated. The Village further recognizes that preventing and remedying illegal harassment and discrimination is essential to ensure a nondiscriminatory environment in which employees can work productively.

This policy prohibits unlawful workplace discrimination and harassment based upon any characteristic or status protected by applicable law other than sexual harassment (including sexual orientation, gender identity and the status of being transgender). Complaints or concerns about workplace sexual harassment are addressed separately in the “Policy Against Workplace Sexual Harassment.”

Prohibited Conduct

Harassment on the basis of any protected characteristic is strictly prohibited. Harassment is considered verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color, national origin, creed, age, genetic information, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction (in violation of Article 23-A of the New York Correction Law), military or veteran service status, use of a guide dog, hearing dog or service dog, or any other characteristic or basis protected by applicable law. This includes, but is not limited to: any conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of unreasonably interfering with an individual’s work performance; or otherwise adversely affects an individual’s employment. This prohibition extends to conduct by Village employees, officers, board members, volunteers, independent contractors, agents or anyone providing services to the Village.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the Village’s premises, circulated in the workplace, or on the internet.

Discrimination is the act of treating or allowing similarly situated employees or applicants for employment to be treated differently with respect to hiring, firing, promotion or any other term or condition of employment because of any characteristics or bases protected by applicable law or this Policy.

Complaint Procedure

Any employee who believes that he or she has been subjected to prohibited harassment or discrimination or who has witnessed anyone engaging in prohibited harassment or discrimination should immediately contact his/her Supervisor or the Village Administrator. If the complaint involves or the individual is hesitant to report to his/her Supervisor or the Village Administrator, a report can be made to the Mayor or any member of the Board of Trustees. The contact information for these individuals is listed on the Village's website or is available from the Village Clerk.

It is the responsibility of all supervisors to ensure that no employee is subjected to any form of prohibited harassment or discrimination. Should a supervisor become aware of the occurrence of harassment or discrimination, irrespective of whether the affected employee has filed a complaint, it is the responsibility of that supervisor to follow the procedures set forth below in order to ensure that appropriate action is taken to eliminate the harassment or discrimination and rectify the situation.

The following procedure must be followed when there is any indication that harassment or discrimination has taken, or is taking, place:

- An employee who raises a question or concern regarding harassment or discrimination should be encouraged to file a written complaint with his/her Supervisor or the Village Administrator. A form for filing the complaint is attached to this Policy. If the complaint involves or if the employee is hesitant to file the complaint with his/her Supervisor or the Village Administrator, the employee should file the complaint with the Mayor or any member of the Board of Trustees.
- In the event that a supervisor becomes aware of an occurrence of harassment or discrimination, but discovers that no complaint has been filed by the affected employee or that the employee is unwilling to file a complaint, the supervisor must immediately notify the Village Administrator or, if the behavior involves the Village Administrator, the supervisor must immediately notify the Mayor.
- All complaints about suspected harassment or discrimination will be investigated, whether that information was reported in oral or written form.
- All complaints of harassment or discrimination will be investigated by the Village Administrator or a designee of the Village Administrator (which may include a third party). The investigation may include, but not be limited to, interviewing the complaining party, the accused, any supervisors, and any other personnel, as necessary, to obtain sufficient factual information upon which to make a determination. All records of this investigation will be maintained in an independent and confidential file. Third parties may be designated to investigate the complaint or assist with any investigation.

- At the conclusion of the investigation, the investigator will report the findings to the Board of Trustees. If it is found that prohibited harassment or discrimination has, in fact, occurred, appropriate corrective action will be taken.
- Where appropriate, the affected employee and the accused will be separately advised by the investigator as to the final disposition of the investigation.
- All investigations will be conducted in a prompt, thorough and impartial manner.

Confidentiality

At all stages of this process, the confidentiality and privacy of all parties, including complainants, informants, witnesses and the accused, will be respected to the extent possible and consistent with law while still conducting a thorough investigation of the complaint and taking appropriate corrective action as necessary.

Retaliation is Prohibited

Any act of retaliation against anyone who, in good faith, reports an incident of harassment or discrimination, or provides information or assists in an investigation of suspected harassment or discrimination as a witness or otherwise is prohibited and will not be tolerated.

For purposes of this Policy, retaliation includes, but is not limited to: adverse employment action(s) (*e.g.*, being discharged, disciplined, discriminated against; *etc.*), verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Anyone who retaliates against another in violation of this Policy is subject to appropriate corrective action including, but not limited to, disciplinary action, as warranted, in accordance with Village policy, the Code of the Village of Nissequogue (“the Village Code”) and applicable laws, regulations and contractual provisions.

Any individual who believes that he or she has been subjected to any acts of retaliation should immediately report that conduct to his/her Supervisor or the Village Administrator. If the complaint involves or the individual is hesitant to bring the matter to the attention of his/her Supervisor or the Village Administrator, the report should be made to the Mayor or any member of the Board of Trustees.

Interim Measures

If the complainant reports that (s)he feels unsafe at work due to the nature of the complaint, the Village will determine if interim measures or accommodations need to be made pending the investigation and resolution of the complaint.

Corrective Action

If, after appropriate investigation, the Village finds that there has been prohibited harassment, discrimination or retaliation in violation of this Policy or law, appropriate corrective action will be taken in accordance with Village policy, the Village Code and applicable laws, regulations and contractual provisions.

If the accused is an employee, consequences may include, but are not limited to, disciplinary action up to, and including, termination of employment. If the accused is not a Village employee, consequences may include, but are not limited to, termination of any contractual or other relationship between the Village and the individual.

Bad Faith Claims

If, after investigating a complaint of harassment or discrimination, it is determined that an individual has intentionally made a claim of harassment or discrimination in bad faith, or intentionally provided false information regarding a harassment, discrimination or retaliation complaint, legal action and/or appropriate corrective action including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the Village may be taken against that individual.

Dissemination and Training

This Policy will be available in each Village facility, on the Village's website and in employee handbooks. All new employees will receive information about this Policy at new employee orientation. All other employees will be provided information at least once a year regarding this Policy.

The Village's employees will be trained annually with regard to their rights and obligations pursuant to this Policy.

Review and Revision of Policy

A review of this Policy will be conducted periodically to consider its effectiveness and compliance with applicable State and federal law. Revisions will be recommended to the Board of Trustees when appropriate.

WORKPLACE DISCRIMINATION/HARASSMENT COMPLAINT FORM

Use this form to file an internal claim of workplace harassment (other than sexual harassment, which should be filed in accordance with the Policy Against Workplace Sexual Harassment) or discrimination, including hostile work environment, based on race, color, national origin, creed, age, genetic information, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction (in violation of Article 23-A of the New York Correction Law), military or veteran service status, use of a guide dog, hearing dog or service dog, or any other characteristic or basis protected by applicable law.

PERSONAL INFORMATION

Name: _____
Department: _____
Business Address: _____

Zip _____

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____
Title: _____
Business Phone: _____

DETAILS OF CLAIM

1. Claim of discrimination/harassment is based on (check one or more that apply):

- RACE
- RELIGION
- DISABILITY
- COLOR
- MARITAL STATUS
- PREGNANCY OR PREGNANCY -RELATED CONDITION
- NATIONAL ORIGIN
- FAMILIAL STATUS
- ARREST (NOT PENDING)
- CREED
- DOMESTIC VIOLENCE VICTIM STATUS
- CRIMINAL CONVICTION
- AGE
- MILITARY STATUS
- VETERAN STATUS
- GENETIC INFORMATION OR PREDISPOSING GENETIC CHARACTERISTICS
- USE OF A GUIDE DOG, HEARING DOG OR SERVICE DOG
- OTHER (explain)

2. Claim of discrimination/harassment is made against: Your Relationship to this person:
 Name: _____ Supervisor
 Work Address: _____ Co-worker
 _____ Subordinate
 Work Phone: _____ Other: _____

3. Incident(s) occurred on or about (date(s)):

4. Briefly describe the incident and your reasons for concluding that it was discriminatory/harassing. Include names of witness(es), if any, and attach supporting data, if available. Use an additional sheet(s), if necessary.

AFFIRMATION: I understand that the filing of this internal claim does not prevent me from filing a claim of discrimination/harassment through judicial or administrative processes. I hereby affirm that the information contained in this claim is true and correct to the best of my knowledge, information and belief.

DATE: _____

SIGNATURE: _____

PRINT NAME: _____

DATE RECEIVED:

BY WHOM:

	Signature	Print Name
	Signature	Print Name
	Signature	Print Name