



NORTH COUNTRY WORKFORCE DEVELOPMENT BOARD
Anti-Harassment and Sexual Harassment Policy
APPROVED – OCTOBER 3, 2019

The North Country Workforce Development Board (NCWDB) is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. The NCWDB has a zero-tolerance policy for any form of sexual harassment and all employees are required to work in a manner that prevents sexual harassment in the workplace.

The NCWDB follows its employer of record, Adirondack Community Action Program's (ACAP) anti-harassment and sexual harassment policy, which can be found in Attachment A.

A complaint form is also available should there be a sexual harassment complaint made to the NCWDB, which can be found in Attachment B.



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ATTACHMENT A



Anti-Harassment and Sexual Harassment Policy – Rev. October 2018

Policy Statement – This policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with or on behalf of ACAP. ACAP is committed to providing a work environment where employees and non-employees are free of inappropriate and disrespectful behavior and harassment, including sexual harassment. ACAP has a zero-tolerance policy for any form of harassment. All employees are required to work in a manner that prevents sexual harassment in the workplace. Sexual harassment is a form of workplace discrimination and is against the law. Sexual harassment and harassment based on any protected characteristic is strictly prohibited. The Agency takes all necessary measures to prevent harassment in the workplace or, in the event it occurs, to stop the conduct immediately. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with ACAP, or with a government agency or in court under federal, state or local antidiscrimination laws.

Definition of Workplace – For the purpose of this policy, the workplace includes the main office, all work sites, parking areas, customer locations, social functions sponsored by ACAP both on and off Agency premises, business meetings, business-related travel, and/or any location while representing the Agency. Calls, texts, e-mails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or during nonworking hours.

Sexual Harassment Definition – Sexual harassment is a form of sex discrimination that consists of words, signs, jokes, pranks, intimidation, physical actions or violence directed at an employee due to any protected characteristics and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender identify and the status of being transgender.

The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as unwelcome sexual advances, requests for sexual favor, and other verbal or physical conduct of a sexual nature to an

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individual of the same or opposite gender when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions (e.g., promotion, termination, pay increase) affecting that individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's ability to work or creating an intimidating, hostile, or offensive working environment, even if the complaining individual is not the intended target or the sexual harassment.

Examples of Prohibited Behavior – Unprofessional, inappropriate, or offensive conduct committed by a supervisor, coworker, vendor, supplier, visitor, customer, or any other non-employee is prohibited, even if the conduct is welcome by the recipient(s). Prohibited conduct includes, but is not limited to:

- Insulting, lewd, or sexually oriented words, jokes, pranks, slurs, innuendoes, or stories. This includes verbal harassment as well as written, recorded, and electronically transmitted material;
- Intimidation or physical violence which are of sexual nature, or which are directed at an individual because of that individual's sex;
- 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, which interfere with the recipient's job performance;
- Leering, ogling, obscene gestures or sounds or whistling;
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment;
- Unwelcome physical contact, including touching, groping, grabbing, hugging, kissing, massaging, fondling, patting, pinching, hitting, pushing, or bushing against a person's body or impeding and/or blocking movements;
- Rape, sexual battery, molestation or attempts to commit these assaults;
- Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as: Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job; Sabotaging an individual's work; bullying, yelling, names-calling; and
- Unwanted sexual advances or propositions, such as requests for sexual favors accompanies by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments; Subtle or obvious pressure for unwelcome sexual activities.

Other Types of Harassment – As noted above, in addition to sexual harassment, harassment based on any protected characteristic is prohibited. While it is not possible to list all conceivable behaviors which

might be considered harassing, the following are examples of behavior which must be avoided:

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- Ethnical, racial, religious or other teasing or slurs, or jokes or comments that demean a person on the basis of race, color, religion, national origin, age or disability;
- Mimicking or mocking another's race, color, religion, ethnicity, national origin, age or disability; and
- Racial or religiously offensive pictures, symbols, cartoons, or graffiti.

Manager and Supervisor Responsibility – Managers and supervisors are responsible for providing a work environment that is free from unsolicited, unwelcome, and intimidating behavior, including behavior of a sexual nature. Managers and supervisors are required to take immediate and appropriate corrective action in the event he or she is a witness to, or becomes aware of, any violations of this policy, even if no one is objecting to the harassment. The manager and/or supervisor is also required to immediately notify the CFO or CEO of any policy violations.

Reporting Harassment – ACAP cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern, or non-employee who believes that he or she is the victim of harassment, or witnesses or becomes aware of potential instances of harassment, is required to report this behavior to the Agency immediately. ACAP will provide a complaint form for employees to report harassment and files complaints. ACAP will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or other form of harassment involving a protected class, or otherwise knows of possible harassment occurring. The investigation will be confidential to the extent possible. Effective corrective action will be taken whenever harassment or sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation.

Legal Protections and External Remedies – Sexual harassment is not only prohibited by the Agency but is also prohibited by state, federal and, where applicable, local law. Aside from the internal process at ACAP, employees and non-employees, such as interns, vendors, contractors, and consultants may also choose to file a complaint and pursue legal remedies with the following governmental entities at any time:

- **New York State Division of Human Rights (DHR) and Human Rights Law (HRL)** – A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court. Complaints with DHR may be filed any time within one year of the harassment, or an individual can sue directly in state court under the HRL within three years of the alleged discrimination. For more information, contact DHR at (888) – 392-3644 or visit dhr.ny.gov. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.
- **United States Equal Employment Opportunity Commission (EEOC)** – An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file and you do not need to have an attorney to file. A complaint must be filed with the EEOC before you can file in federal court. For more information, contact the EEOC by calling 1-800-669-6820 (TTY), visiting their website at www.eeoc.gov or via e-mail at info@eeoc.gov.
- **Local Protections** – Many localities enforce laws protecting individuals from sexual harassment and discrimination. Contact your county, city or town to find out if such a law exists.

- **Contact the Local Police Department** – If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. You should contact your local police department.

Non-Retaliation – ACAP prohibits and will not tolerate retaliation against anyone who makes a complaint of harassment in good faith or who participates in an investigation of a complaint. Individuals who become aware of anyone engaging in retaliation prohibited by this policy should immediately report the matter to their Department Director, the CFO or the CEO. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also seek compensation in other available forums, as explained in the section on Legal Protections and External Remedies.

Policy Violations – Any employee or individual who violates this policy or engages in harassment or retaliatory conduct prohibited by this policy, or manager and supervisory staff who knowingly allow such behavior to continue will be subject to liability, remedial and/or disciplinary action, up to and including termination of employment.

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**EMPLOYEE HARASSMENT AND/OR DISCRIMINATION COMPLAINT
FORM**

Complainant Name			
Job Title		Supervisor's Name	
Email Address		Phone Number	
Preferred Form of Contact		<input type="checkbox"/> Email	<input type="checkbox"/> Phone
Alleged Complaint <input checked="" type="checkbox"/>			
I have been subjected to: <input type="checkbox"/> Harassment/Sexual Harassment <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation			
Frequency of Occurrence: <input type="checkbox"/> Single Incident <input type="checkbox"/> Ongoing Problem			
Based Upon: (Check those that apply) <input checked="" type="checkbox"/>			
<input type="checkbox"/> National Origin <input type="checkbox"/> Sex <input type="checkbox"/> Sexual Orientation <input type="checkbox"/> Gender Dysphoria <input type="checkbox"/> Gender Identity <input type="checkbox"/> Transgender Status		<input type="checkbox"/> Disability <input type="checkbox"/> Color <input type="checkbox"/> Religion <input type="checkbox"/> Marital or Familial Status <input type="checkbox"/> Military or Veteran <input type="checkbox"/> Status <input type="checkbox"/> Genetic Information	
		<input type="checkbox"/> Race <input type="checkbox"/> Age <input type="checkbox"/> Creed <input type="checkbox"/> Pregnancy <input type="checkbox"/> Arrest/Conviction <input type="checkbox"/> Record	
Other: _____			
Complaint Information <input checked="" type="checkbox"/>			
Who is your complaint made against? _____			
Relationship to you?:			
<input type="checkbox"/> Supervisor <input type="checkbox"/> Co-Worker <input type="checkbox"/> Vendor		<input type="checkbox"/> Subordinate <input type="checkbox"/> Customer/Client <input type="checkbox"/> Other	

Describe what happened and how it is affecting you and your work. Please be as detailed as possible with the date(s), time(s), place(s) and their involvement. Attach additional sheets if needed and any relevant documents or evidence.

Witnesses

List the name(s) and contact information for any witnesses or individuals that may have information related to your complaint.

Did anyone else you know of experience similar incidents by the same individual? Briefly state what information each witness will be able to provide.

Potential Supporting Evidence

Are there any documents, emails, photos, texts, etc. related to your complaint? Describe or attach if possible.

Optional, but may help the investigation

Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

I certify that the above statements are true to the best of my knowledge. I request that NCWDB investigate this complaint in a timely and confidential manner and advise me of the results of the investigation.

Signature

Date

- You must file your complaint with your Supervisor, another Manager, or a Human Resource Representative as promptly as possible after the occurrence. Any delay in reporting may make it more difficult to investigate the allegations.
- After you filed your complaint an investigation will be completed
- The company will maintain confidentiality of the complaint to the greatest extent possible in the thorough and complete investigation of the complaint. Every effort will be made to safeguard the privacy and rights of all persons involved.
- Knowingly providing false information is a violation of policy and is grounds for disciplinary action.
- You should refer to your employee handbook for more complete details of the company's policies regarding Equal Employment Opportunity and Anti-Harassment and Sexual Harassment.
- Federal and State laws prohibit retaliation against any person because they have filed a harassment or discrimination complaint or served as a witness in the investigation. If you believe you have experienced retaliation, notify Human Resources immediately.