

Board of Trustees
Village of Tarrytown
Regular Meeting No. 22
One Depot Plaza
Tarrytown NY 10591
September 5, 2023
6:00 p.m.

PRESENT in person: Mayor Brown presiding; Trustees: Kim; McGovern; Mitchell; Rinaldi and Phillips-Staley. Village Administrator Slingerland; Village Attorney Zolant; Deputy Clerk Fasman; Village Treasurer Morales and Village Clerk Gilligan

REGULAR MEETING: 6:00 P.M.

BOARD MISCELLANEOUS AND LIAISON REPORTS

Mayor Brown noted that it was a very exciting first day of school for the children, staff and parents of Tarrytown as Governor Kathy Hochul paid a visit to the school district today. Additionally, Assemblypersons Carl Heastie and Mary Jane Shimsky awarded some grants to Tarrytown last week to repair the H-Bridge, and extend the fire dock. Tarrytown has the attention of various levels of the state, because we are a model of governance, schools and a great community.

Deputy Mayor McGovern first thanked Kelly Murphy the director of the pool for a wonderful season and to Tania Sanchez our Camp Director for doing such a wonderful job with camp this year. If you log onto the Village website you will notice a new item called the Recreation Rundown. It's a newsletter with all of the upcoming events, and meetings. Some of our upcoming events are the final concert at Pierson Park this Thursday at 7:00 pm and on Saturday at 11:00 am in conjunction with Bark and Meow, we will have a dog parade followed by a dog pool party. Pre-registration is suggested, but you can show up on the day of the event. Deputy Mayor McGovern continued her report by stating that the Chamber of Commerce is looking for volunteers for the Halloween Parade being held on October 28th. If you are interested in volunteering, please contact our Recreation Department. Concluding her report, Deputy Mayor McGovern noted that there are around ten events coming up for the seniors. If you are not a member, she encourages you to join and participate in many wonderful events.

Trustee Kim wished to note that notices will be going out to residents around the intersection of Kerwin and Union because we are looking at installing stop signs at the three way intersection. The notices will be asking for input on this initiative.

Mayor Brown did want to let residents know that the Village has been chosen by Andrea Stewart Cousins to work on a situation at the corner main Street and Depot Plaza and over the H-Bridge. We are looking forward to receiving some new ideas for that area.

ADMINISTRATOR'S REPORT

Administrator Slingerland reported that the 9/11 Memorial will be on Sunday, September 10, at 10:00 am at Patriots Park which will be hosted by the Tarrytown and Sleepy Hollow Fire Departments. The Red Cross will be holding a Blood Drive at the Tarrytown Senior Center on September 28th from 9:00 am to 2:00 pm, and the Tarrytown Business Exchange will be having their bi-annual meeting to focus on the downtown area also on September 28th at the Warner Library from 8:30 to 10:30 am. Administrator Slingerland noted that the Board of Trustees will be entering into Executive Session after the Regular Board Meeting to discuss a personnel matter and contractual matter.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ONLY ON ITEMS LISTED ON THE AGENDA, OTHER THAN PUBLIC HEARING ITEMS. SPEAKERS SHALL HAVE THREE (3) MINUTES EACH TO ADDRESS THE BOARD OF TRUSTEES

Kate Hopkins from Tarrytown first congratulated the BOT on the grant money. Ms. Hopkins noted that in 2019 there was an update to the Harassment and Workplace Violence Policies and she thought that it took a while for municipalities to get on board with the new training requirements. Mayor Brown stated that Tarrytown has been doing these required trainings much longer than 2019. Ms. Hopkins wants to make sure that Tarrytown will not only be training its paid employees, but that it will also require Tarrytown's

volunteers to participate as well. Mayor Brown confirmed that our volunteers are required to take the same training. Administrator Slingerland noted that the Village has had Sexual Harassment and Harassment Policies in place for years that the volunteers including the Fire Department must participate in. What's new is the NYS Department of Labor combined the policies against sexual harassment and other discriminations into one policy. They also added information regarding the statute of limitations and filing a complaint which is three years. They also added contact information for the NYS Division of Human Rights and the US EEOC. Additionally there is a now a reporting form, and the NYS DOL added language about the gender spectrum is nuanced and involves three different ways on identifying people between cis gender, transgender and on binary. Kate Hopkins asked if an employee or volunteer of Tarrytown perpetrates an act of sexual harassment, what the repercussions will be. Administrator Slingerland replied that we are still working on getting everyone trained, and if someone files a complaint it will be properly investigated, reviewed and the process will be coordinated with our labor council.

Mayor Brown noted that this summer Tarrytown, along with all of the Greenburgh Village's participated in a one day implicit bias training seminar. Not only did she participate, but several other board members did as well along with employees and volunteers of the six village's. It was an informative day, and she thanked everyone who participated.

RESOLUTION CALLING FOR A PUBLIC HEARING ON A LOCAL LAW TO AMEND CHAPTER 259 ENTITLED "STREETS AND SIDEWALKS" OF THE TARRYTOWN CODE TO AMEND ARTICLE XII AND ADD PRIVATE ROADS TO THE LIST OF PROPERTIES THAT MUST BE MAINTAINED.

On a motion made by Deputy Mayor McGovern, seconded by Trustee Mitchell with all voting aye, the following resolution was unanimously approved. Approved: 6-0

WHEREAS, in the interest of health and safety for all, private property owners currently have the responsibility of maintaining sidewalks and curbs adjoining their premises in safe, and passable condition; and

WHEREAS the Board of Trustees of the Village of Tarrytown hereby finds it useful and appropriate to adopt new provisions to add private roads to the list of properties that must be maintained in the interest of public health and safety;

NOW, THEREFORE, BE IT RESOLVED. that the Board of Trustees of the Village of Tarrytown hereby schedules a public hearing to be held at 7 p.m. on Monday, September 18, 2023, at Tarrytown Village Hall, 1 Depot Plaza, during the Regular Board Meeting, on a local law to amend Chapter 259 entitled "Streets and Sidewalks" of the Tarrytown Code to amend Article XII and add private roads to the list of properties that must be maintained.

BE IT FURTHER RESOLVED that the proposed action is a Type II Action not subject to SEQR review. A copy of the proposed local law can be found at the end of this agenda.

VILLAGE CODE CHANGE- SECTION 291-77 VEHICLES AND TRAFFIC

On a motion made by Trustee Mitchell, seconded by Deputy Mayor McGovern with all voting aye, the following resolution was unanimously approved. Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown, Chapter 291-77 Schedule XII: Parking Prohibited at All Time

Material to be deleted is in parenthesis. New material is set forth in capital letters.

In accordance with the provisions of 291-16, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

Name of Street Side Location

HALF MOON LANE WEST SIDE FROM TAPPAN LANDING

ROAD SOUTH FOR A DISTANCE OF 75 FEET

ADOPTION OF HARASSMENT AND SEXUAL HARASSMENT POLICY

On a motion made by Trustee Phillips-Staley, seconded by Trustee Kim with all voting aye, the following resolution was unanimously approved. Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby adopt a Harassment and Sexual Harassment Policy for the Village of Tarrytown based on new standards issued by the New York State Department of Labor. This policy shall supersede all previous harassment and discrimination policies previously adopted by the Village. A complete copy of the policy will be affixed to the official minutes of this meeting.

APPROVAL OF THE MINUTES OF THE BOARD OF TRUSTEES MEETING OF August 21, 2023

On a motion made by Trustee Kim, seconded by Trustee Mitchell with all voting aye, the following resolution was unanimously approved. Approved: 6-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown hereby approves the minutes of the Board of Trustees Meeting held on Monday, August 21, 2023 as submitted by the Village Clerk.

APPROVAL OF AUDITED VOUCHERS

On a motion made by Trustee Rinaldi seconded by Trustee Kim with all voting aye, the following resolution was unanimously approved. Approved: 6-0

Roll Call: Trustee Kim; Yes, Trustee Mitchell; Yes Trustee Rinaldi; Yes Trustee Phillips-Staley; Yes, Deputy Mayor McGovern; Yes, Mayor Brown; Yes.

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby approve Abstract No.5 of Audited Vouchers in the total amount of \$ 290,850.33 as presented by the Village Treasurer, to be paid in the following amounts:

General	\$ 201,271.22
Water	\$ 17,894.03
Sewer Fund	\$ 0.00
Capital	\$ 63,542.15
Library	\$ 4,196.07
Trust & Agency	\$ 3,909.16
CM (Special Funds)	\$ 37.40
Total	\$ 290,850.03

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD ON ITEMS NOT INCLUDED ON THE AGENDA. SPEAKERS HAVE THREE (3) MINUTES BEFORE YIELDING TO THE NEXT SPEAKER

Ana Lippolios from Tarrytown is concerned about visibility while trying to pull out on Main Street from Continental due to the parked cars. She is also concerned about crossing the street safely near the Post Office. Administrator Slingerland reported that he has been in contact with the NYS DOT as there have been several complaints about the pedestrian crossing sign being too far back, but the state said they cannot move the sign because of wiring. We might consider elimination one parking space, which the board can discuss at a future date. Ms. Lippolios asked if the speed limit can be lowered to fifteen miles per. Administrator Slingerland replied that NYS will not allow us to reduce the speed to fifteen mph as it is a state owned road. Ms. Lippolios then stated that the lights are not long enough to allow elderly people to cross and they should be longer. Administrator Slingerland stated that he would contact NYS and see if they could extend the light. We will also talk to the Chief of Police and see if he has more suggestions. Trustee Kim stated that he has experienced all of the concerns she brought up this evening and we will do as much as we can to try and remedy these issues. The DOT can be slow to respond with some requests. We will keep the pressure on and follow up the best we can. Mayor Brown also recommended that she can contact her state representatives as it is a state road. Thank you for bringing these issues to our attention.

Kate Hopkins from Tarrytown asked if under the harassment police is workplace violence and harassment going to be covered. Administrator Slingerland replied that workplace violence is a separate policy that is currently in place. Ms. Hopkins then asked if an employee or volunteer decides not to take part in the training, are there repercussions. Administrator Slingerland replied that we would have an investigation in the same

manner as discussed earlier. Penalties or discipline could be imposed, but it would be on a case by case basis. Mayor Brown stated that everyone in all departments have been very amenable to attending mandatory training. Kate Hopkins then asked how we were coming along with the employee handbook and social media policy. Administrator Slingerland replied that we are working on the employee handbook very vigorously with all of the department heads with taking into account other policies that are already in place for the Police Department, Library and the CSEA members. We are also working on a social media policy and hope to have that on a future Board Meeting. Kate Hopkins then noted that Federal employees cannot endorse certain candidates or certain viewpoints because of the Hatch Act. Is there something on a local level that states you can be in office, but you can't voice endorsements of certain politicians and attitudes? Administrator Slingerland replied that we will look into that as he thinks only certain people with certain standings have the hatch Act applied to them

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned to go into Executive Session at 6:38 pm on a motion made by Deputy Mayor McGovern, and seconded by Trustee Rinaldi with all voting aye: 6-0. On a motion made by Mayor Brown, and seconded by Deputy Mayor McGovern, with all voting aye, the Executive Session was adjourned at 6:58 pm. 6-0

Kristine Gilligan
Village Clerk

Right to a Harassment and Discrimination Free Workplace

Purpose and Goals

The Village of Tarrytown is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation.

While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same.

Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or status as a victim of domestic violence.

The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual's intersecting identities, and provide the tools to take action when it occurs. All employees, Department Heads, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of the Village's commitment to a discrimination-free work environment.

Goals of this Policy:

Sexual harassment and discrimination are against the law. 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 the Village. Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination laws. To file an employment complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

Sexual Harassment and Discrimination Prevention Policy:

1. This policy applies to all employees, supervisors, and Department Heads, whether employed full- or part-time, temporary or seasonal, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to all Elected Officials, Appointed Members of Boards and Commissions, and volunteers. It applies to applicants for employment, anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with the Village. For

the remainder of this policy, we will collectively refer to this group as “covered individuals.”

2. Sexual harassment is unacceptable. Any employee or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees. In New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
3. Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of the Village who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. 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 Mayor. 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.
4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject the Village to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every level who engage in harassment or discrimination, including Department Heads and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.
5. The Village will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about discrimination or sexual harassment, or when it otherwise knows of possible discrimination or sexual harassment occurring. The Village will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, the Village will take appropriate action. The Village will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including Department Heads and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.
6. All employees and covered individuals are encouraged to report any harassment or behaviors that violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with

equal priority. An employee or covered individual who prefers not to report harassment to their Department Head or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both the Village and a government agency. Department Heads and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Mayor, or if the Mayor is an involved party, to any member of the Village Board.

7. This policy applies to all employees and covered individuals, such as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations.

What Is Sexual Harassment?

Sexual harassment is a form of gender-based discrimination that 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 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 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 the Village'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 of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a **hostile work environment** 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.
- Sexual harassment also 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. This is also called **quid pro quo** harassment.

Any employee or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. **This list is just a sample of behaviors and should not be considered exhaustive.** Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or
 - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, advances, or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;
 - Subtle or obvious pressure for unwelcome sexual activities; or
 - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a

hostile work 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.

- 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 publications anywhere in the workplace, such as:
 - 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;
 - 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.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, 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, or name-calling;
 - Intentional misuse of an individual's preferred pronouns; or
 - Creating different expectations for individuals based on their perceived identities:
 - Dress codes that place more emphasis on women's attire;
 - Leaving parents/caregivers out of meetings.

Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects all covered individuals described earlier in the policy. **Harassers can be anyone in the workplace.** A Department Head, supervisor, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an Elected Official, independent contractor, contract worker, vendor, client, customer, constituent, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

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 or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

Retaliation

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. 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;
- 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, state, and (where applicable) local 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 Department Head or supervisor 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.

Reporting Sexual Harassment

Everyone must work toward preventing 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.

Reports of alleged discrimination and/or harassment (including sexual harassment) or retaliation may be made verbally or in writing. A form for the submission of a written complaint is attached to this policy and individuals are encouraged, but not required, to use this form. If an individual chooses to submit a verbal complaint, such complaint will be documented by the receiver of this complaint, preferably by use of this form. Employees who are reporting 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.

Employees and covered individuals are encouraged to report incidents of discrimination, harassment (including sexual harassment), or retaliation to a Department Head and/or the Village Administrator as soon as possible after the occurrence. If an employee's Department Head is believed to be involved in the incident, or if the employee is not comfortable in addressing the incident with the Department Head, the report should be made directly to the Village Administrator. If the Village Administrator is believed to be involved in the incident or the employee or covered individual is not comfortable reporting the incident to the Village Administrator, the report should be directed to the Mayor or any member of the Village Board.

Employees and covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

Department Heads and supervisors have a responsibility to prevent sexual harassment and discrimination. All Department Heads and supervisors who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment in accordance with the procedures above. Department Heads and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Department Heads and supervisors can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Department Heads and supervisors can also be

disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

Department Heads and supervisors will also be subject to discipline for engaging in any retaliation.

While Department Heads and supervisors have a responsibility to report harassment and discrimination, they must be mindful of the impact that 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 to ensure the workplace is safe, supportive, and free from retaliation for them before, during, and after any investigation.

Bystander Intervention

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. 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 individual being harassed and distracting 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 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 of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, and started and completed as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Village will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

The Village recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations will generally be done in accordance with the following steps. Upon receipt of a complaint, the person(s) designated by the Village:

1. Will conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate. If the complaint is verbal, request that the individual completes the complaint form in writing. If the person reporting prefers not to fill out the form, a complaint form or equivalent documentation based on the verbal reporting will be prepared;
2. Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails or phone records that may be relevant to the investigation and will consider and implement appropriate document request, review, and preservation measures, including for electronic communications;
3. Will seek to interview all parties involved, including any relevant witnesses;
4. Will create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - b. A list of names of those interviewed, along with a detailed summary of their statements;
 - c. A timeline of events;
 - d. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
 - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
5. Will keep the written documentation and associated documents in a secure and confidential location;
6. Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document; and
7. Will inform the individual(s) who reported of the right to file a complaint or charge externally as outlined in the next section.

Corrective Action and Discipline

Any employee who is found to have violated any aspect of this policy will be subject to corrective or disciplinary action, up to and including termination of employment, as provided by Village operating procedures, including Civil Service Law Section 75 or the disciplinary procedures contained in a collective bargaining agreement. Any Elected Official who violates this policy will be subject to remedial action as provided for and/or allowed under NYS Public

Officers Law, as well as any other applicable statutes. Any vendor, supplier, visitor, customer, or other non-employee who violates this policy will be subject to remedial action, to the extent that the Village is empowered to take such action.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by Village policy, but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, an individual may also seek the legal advice of an attorney.

New York State Division of Human Rights

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

Complaining internally to the Village does not extend the time to file with DHR or in court. The three years are counted from the date of the most recent incident of harassment. An individual does not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate the complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring the employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

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

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on a computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at **(800) HARASS3** (800-427-2773) for more information about filing a sexual harassment complaint. This hotline can also provide a

referral to a volunteer attorney experienced in sexual harassment matters who can provide limited free assistance and counsel over the phone.

The United States Equal Employment Opportunity Commission

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e *et seq.* An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of 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. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred by does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work 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 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically 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.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

Conclusion

The policy outlined above is aimed at providing employees at the Village of Tarrytown and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.

VILLAGE OF TARRYTOWN

COMPLAINT FORM

DISCRIMINATION AND HARASSMENT (INCLUDING SEXUAL HARASSMENT)

This form is to be used to document any complaint of alleged discrimination and/or harassment, including sexual harassment, as outlined in the policy. Once you complete this form, please submit it to the appropriate individual as outlined in the policy. If you are more comfortable reporting the allegations verbally or in another manner, refer to your policy for guidance. Once you submit this complaint, the Village will commence an investigation pursuant to its policy.

Name of Complainant:	Department:
Name(s) of individual engaging in alleged discrimination and/or harassment including sexual harassment:	Department:
Describe the specific incident of discrimination and/or harassment alleged. Describe each incident separately, including dates, times and locations. If you cannot remember exact dates, times or locations, provide approximations. Use additional pages if necessary.	

Are there others who may have witnessed this alleged discrimination and/or harassment? If so, provide their name(s).

Are there others who may have experienced similar alleged discrimination and/or harassment by the individual named above? If so, provide their name(s).

Did you tell anyone about your experience after the alleged incident(s)? If yes, provide their name(s).

Did you speak to the individual named in this report about the alleged discrimination and/or harassment? If yes, what was his or her response?

Complainant Signature*: _____

Date: _____

Print Name: _____

Job Title: _____

*I understand that the Village of Tarrytown prohibits any individual from retaliating against me for filing a complaint and that I am to report such retaliation pursuant to the Village's policy.

Signature of Person Receiving Complaint: _____

Date: _____

Print Name: _____

Job Title: _____