Sexual Harassment Prevention

Objective: To establish a County policy regarding prevention of Sexual Harassment in the workplace.

Reference: *(All applicable federal, state, and local laws)* Human Rights Law, N.Y. Executive Law, Art.15 §290 et seq.; Title VII of 1964 Civil Rights Act, 42 U.S.C. §2000e et seq.; NYS Labor Law, Section 201-g

Legislative Policy Statement:

General Information:

Who is covered by this Policy? This Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, volunteers, non-employees and persons conducting business with Tompkins County. Persons protected by this Policy are referred to as "Covered Individuals."

Who can be a target of sexual harassment? Any Covered Individual can be a target of sexual harassment regardless of their sex or gender.

Who can be a sexual harasser: A harasser can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor, or anyone with whom the person interacts while conducting their job duties.

Where can sexual harassment occur? Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while Covered Individuals are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage can constitute or contribute to unlawful sexual harassment, even if occurring away from the workplace premises or not during work hours. Sexual harassment can also occur when employees are working remotely. Any behaviors outlined in this policy that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements may constitute sexual harassment even if the Covered Individual is working remotely when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

Policy/Procedure Number:	*02-42*
Effective Date:	*October 9, 2018*
Responsible Department:	*Human Resources*
Modified Date (s):	*October 10, 2018; July 2019; August 6, 2024*
Resolution No.:	*2018-234; 2024-150*
Next Scheduled Review:	*August 2029*

I. Definitions:

Covered Individuals – Individuals protected by this Policy include employees of Tompkins County and, also, contractors, vendors and consultants or those who are employees of the contractor, vendor or consultant doing business with Tompkins County.

Hostile Work Environment - A hostile work environment is created when harassing or discriminatory conduct based on a protected class or characteristic subjects an individual to inferior terms, conditions, or privileges of employment. In the context of this Policy, legally protected classes and characteristics include sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and/or transgender status. A more detailed description of conduct that may constitute an unlawful hostile work environment is contained in Section II.B. of this Policy.

Retaliation - Any action taken against a Covered Individual motivated by the Covered Individual's protected activity. Protected activity includes lawful opposition to discrimination or sexual harassment, and participation in investigations and/or formal litigation over allegations of sexual harassment. An action may constitute retaliation if it would cause a reasonable person to refrain from engaging in protected activity. A more detailed description of conduct that may constitute retaliation is contained in Section II.E of this Policy.

Sexual Harassment - Uninvited and unwelcome verbal or physical behavior which is directed at an individual because of that individual's sex when such conduct subjects an individual to inferior terms, conditions, or privileges of employment. A more detailed description of conduct that may constitute sexual harassment is contained in Section II.B. of this Policy.

II. Policy:

A. Policy Overview

Tompkins County is committed to maintaining a workplace free from sexual harassment. Sexual harassment, which includes harassment based on sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression, or transgender, cis gender, or non-binary status, is a form of workplace discrimination. Sexual harassment is considered a serious form of employee misconduct. All employees, interns, volunteers, and non-employees are required to work in a manner that prevents sexual harassment in the workplace. Any employee, intern, volunteer, or non-employee in the workplace who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination. This Policy is one component of Tompkins County's commitment to a discrimination-free work environment.[1]

Sexual harassment is against the law. All persons have a legal right to a workplace free from sexual harassment. This right can be enforced by filing a complaint internally with Tompkins County, and/or with a government agency or in court under federal, state or local antidiscrimination laws.

Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject Tompkins County to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Those covered by this Policy who engage in sexual harassment, and managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be subject to remedial action or discipline in accordance with law or an applicable collective bargaining agreement.

This Policy also prohibits retaliation against individuals who report or complain of sexual harassment or participate in the investigation of a sexual harassment complaint, as further described herein.

The Commissioner of Human Resources is responsible for the investigation of complaints of sexual harassment, in consultation with the County Attorney's office and other designated staff as appropriate. In the event that the Commissioner of Human Resources is the subject of the complaint, complaints should be directed to the County Administrator. Tompkins County will conduct a prompt and thorough investigation of all complaints of sexual harassment or retaliation that ensures due

[1] The principles contained in this Policy are the same for discrimination or harassment based on other prohibited classifications, such as race, disability, or age. Other forms of discrimination, as well as harassment based on protected classes or characteristics other than those covered under this Policy are covered separately under Tompkins County's Discrimination and Harassment Prevention Policy (02-43).

process for all parties. Tompkins County may also initiate such an investigation if it has reason to believe sexual harassment or retaliation is occurring. Tompkins County will keep such investigations confidential to the extent feasible and consistent with Tompkins County's legal obligations. Prompt corrective action will be taken whenever sexual harassment or retaliation is found to have occurred. All persons covered by this Policy, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment, including by maintaining the confidentiality of the investigation.

Covered Individuals are strongly encouraged to report any harassment or behaviors that they believe may violate this Policy. Tompkins County will provide a complaint form for the reporting of harassment and to file complaints.

Department Heads and supervisors are required to immediately report any complaint that they receive, or any harassment that they observe or become aware of in the workplace. A Department Head may seek initially to resolve and rectify the matter but shall also report the complaint and any attempts to resolve it. Such reporting must be in written form to the Commissioner of Human Resources.

Confronting the harasser by the complainant is not required but is encouraged if the complainant feels it is possible and safe to do so. Anyone covered by this Policy has the right to file a good faith complaint without first communicating with the offender. The alleged offender must be given a fair opportunity to provide any relevant information in their defense during the complaint investigation.

B. Definitions of Prohibited Conduct

What is sexual harassment?

Sexual harassment is a form of sex discrimination and is unlawful under Federal, State, and (where applicable) local law. Sexual harassment includes harassment based on sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression, or transgender, cis gender, or non-binary status. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Sexual harassment is illegal when it subjects an individual to inferior terms, conditions, or privileges of employment based on protected class or activity. 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 a Covered Individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of this 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 unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an

individual's work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

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 directed at an individual because of that individual's sex, gender identity, or gender expression or transgender, cis gender, or non-binary status. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which a Covered Individual 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 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 based on a protected characteristic, even a single incident, can be discrimination and is covered by this Policy.

C. Understanding Gender Diversity

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.

D. Examples of Sexual Harassment

Sexual harassment under the law and prohibited by this Policy may include, but is not limited to, the following prohibited conduct:

- Physical assaults of a sexual nature, such as:

    - Touching, pinching, patting, grabbing, brushing against another person's body or poking another person's body;
    - 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 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 employment benefits or detriments;
    - Subtle or obvious pressure for unwelcome sexual activities; or
    - Repeated requests for dates or romantic gestures, including gift-giving.

- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, 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 conduct or personality traits are considered inappropriate or treated negatively simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should look or act:

    - 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 or in a work-related gathering or setting.
    - This also extends to the virtual or remote workplace and can include having such material visible in the background of one's home during a virtual meeting.
    - Hostile actions taken against an individual because of that individual's sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression, or transgender status, 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, name-calling;

- Intentional misuse of an individual's preferred pronouns; or
- Creating different expectations for individuals based on their perceived identities, such as dress codes that place more emphasis on women's attire or leaving parents/caregivers out of meetings.

E. Retaliation

In addition to sexual harassment, retaliation for opposing or complaining of sexual harassment or participating in investigations of sexual harassment is prohibited by law and prohibited under this Policy. No Covered Individual shall be subjected to such unlawful retaliation for engaging in protected activity. Unlawful retaliation can be any action that would keep or discourage a reasonable person from coming forward to make or support a sexual harassment claim. Actions taken against a complainant need not be job-related or occur in the workplace to constitute unlawful retaliation if such conduct is related to a workplace harassment or discrimination complaint.

Protected activity occurs when a person has:

- Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- Testified or assisted in a proceeding involving sexual harassment under this Policy, the State Human Rights Law or other anti-discrimination law;
- Opposed sexual harassment by making a verbal or informal complaint to Tompkins County (including a supervisor or manager) or by simply informing a supervisor or manager of harassment;
- Reported that another employee, intern, volunteer or non-employee covered by this Policy has been sexually harassed; or
- Encouraged a fellow employee, intern, volunteer and/or non-employee covered by this Policy to report harassment.

Examples of retaliation may include, but are not limited to the following, if motivated by the Covered Individual's protected activity:

- 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;
- 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.

Employees, interns, volunteers, and non-employees who believe they have been subjected to retaliation should report this conduct in accordance with the same reporting procedures as are outlined below. Complaints of retaliation will be investigated in accordance with the same procedures utilized to investigate a complaint of sexual harassment. Individuals also may file complaints of retaliation with the federal or state enforcement agencies (The Equal Employment Opportunity Commission (EEOC) or New York State Division of Human Rights(DHR).) Any individual found to have engaged in retaliation as defined in this Policy may be subject to disciplinary action up to and including termination, and/or

other corrective or remedial action as necessary.

III. Procedure: **A. Reporting Procedures**

Preventing sexual harassment is everyone's responsibility. Tompkins County cannot prevent or remedy sexual harassment unless it knows about it. Any employee, intern, volunteer or non-employee who has been subjected to behavior that may constitute sexual harassment is strongly encouraged to report such behavior to the Commissioner of Human Resources as set forth below. Anyone who witnesses or becomes aware of potential or perceived instances of sexual harassment should also report such behavior to the:

- Commissioner of Human Resources
- In the event that the Commissioner of Human Resources is the subject of the complaint, complaints should be made to the County Administrator

Although encouraged, note that neither this Policy nor State or Federal law requires that an individual tell an alleged harasser to stop their actions. Failure to do so does not preclude the individual from filing a complaint of sexual harassment. Individuals should feel free to keep written records of any actions which may constitute sexual harassment, including time, date, location, names of others involved, witnesses (if any), and who said or did what to whom.

Reports of sexual harassment may be made verbally or in writing. If made verbally, the Complaint must be reduced to writing by the individual to whom it is reported. The written report must be given to the Commissioner of Human Resources or the County Administrator, as applicable. A form for submission of a written complaint is attached to this Policy, and all employees, interns, volunteers, and non-employees conducting business in the workplace are encouraged to use this complaint form. Individuals who are reporting sexual harassment on behalf of other employees, interns, volunteers or non-employees should use the complaint form and note that it is on another person's behalf.

Employees, interns, volunteers or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

1. *Supervisory Responsibilities*

   All managerial and supervisory personnel of Tompkins County shall be responsible for enforcing this Policy and shall have responsibility for ensuring that the work environment under their supervision is free from sexual harassment and retaliation. In addition to being subject to discipline or other remedial action if they engage in sexually harassing conduct themselves, **all supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report same in writing, to the Commissioner of Human Resources or County Administrator, as applicable.**

   Supervisors and managers will be subject to discipline (or other remedial and appropriate action) for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

   Supervisors and managers will also be subject to discipline or other

appropriate remedial action for engaging in, or failing to report, retaliation.

While Supervisors and managers have a responsibility to report harassment, discrimination, and retaliation, supervisors and managers 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. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

2. *Bystander Responsibilities*

Any employee witnessing harassment as a bystander is encouraged to report it. A 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.

- A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
- A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
- A bystander can take notes on the harassment incident to benefit a future investigation;
- 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
- 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.

3. *Tompkins County* Responsibilities

Tompkins County will be responsible for ensuring that this Policy is provided to employees, interns, and volunteers, and that training on this Sexual Harassment Prevention Policy is conducted annually.

B. Investigation and Response Procedures

All complaints or information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent feasible and consistent with Tompkins County's legal obligations.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough and be commenced and concluded promptly consistent with the circumstances of the complaint. All persons involved, including complainants, witnesses and alleged harassers will be accorded appropriate due process to protect their rights to a fair and impartial investigation.

Any employee, volunteer, intern or non-employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Such cooperation

includes, without limitation, maintaining the confidentiality of complaints and investigations.

All investigations will be conducted by the Commissioner of Human Resources or their designee (except where the Commissioner of Human Resources is the subject of the complaint, in which case the matter will be investigated as directed by the County Administrator). The nature of an investigation may vary on a case-by-case basis dependent upon the circumstances and extent of the allegations.

Generally, investigations will be conducted in accordance with the following steps:

- Upon receipt of complaint, the Commissioner of Human Resources or their designee will conduct an immediate review of the allegations, and take interim actions, as appropriate. If the complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form or other write up of the complaint based on the oral reporting;
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them;
- Request and review all relevant documents, including all electronic communications;
- Interview all parties involved, including any relevant witnesses;
- Create (at a minimum) written documentation of the investigation (such as a letter, memo or email), which contains the following:
    - A list of all documents reviewed, along with a detailed summary of relevant documents;
    - A list of names of those interviewed, along with a detailed summary of their statements;
    - A timeline of events;
    - A summary of prior relevant incidents reported or unreported; and
    - Recommendation(s) for the final resolution of the complaint, together with any recommendations for corrective or remedial actions to be taken; and
- Keep the written documentation and associated documents in the employer's records.

Once the investigation is completed, the Commissioner of Human Resources or their designee will make a Final Determination as to whether the Policy has been violated.

The Commissioner of Human Resources or their designee shall promptly notify the complainant of the Final Determination and inform the complainant of their right to file a complaint or charge externally as outlined below.[2]

If a complaint of sexual harassment or retaliation is determined to be founded, Tompkins County may take disciplinary and/or corrective action. The Commissioner of Human Resources will be responsible for overseeing the implementation of any corrective or remedial actions deemed necessary.

[2] Where a complaint was made regarding sexual harassment against an individual other than the person making the complaint, the person against whom the harassment was directed will be treated as the complainant for purposes of this Policy.

C. Reimbursement

Any employee who has been subject to a judgment of personal liability for intentional wrongdoing in connection with a claim for sexual harassment shall reimburse Tompkins County for any monies it paid to a complainant for what was found to be the employee's proportionate share of said judgment. These reimbursements must be made within ninety (90) days from payment by the Tompkins County to the complainant. A failure to reimburse will result in the sum being withheld directly from the employee's compensation or through enforcement of a money judgement.

D. Further Confidentiality and Disclosure

In recognition of the personal nature of discrimination complaints and the emotional impact of alleged discrimination, Tompkins County shall keep complaints as confidential as is consistent with a thorough investigation, applicable collective bargaining agreements, and other laws and regulations regarding employees and the workplace setting. For the protection of all individuals who make complaints or are accused of prohibited discrimination, every witness interviewed during an investigation under this Policy will be advised of the confidentiality requirement and instructed not to discuss the complaint, the investigation, or the persons involved. To the extent complaints made under this Policy implicate criminal conduct, Tompkins County may be required by law to contact and cooperate with the appropriate law enforcement authorities.

The terms of any settlement or other resolution are subject to disclosure unless the Complainant seeks confidentiality. This request for confidentiality may be revoked within a certain time period in accordance with State law.

E. False Reports

Reporting of a false complaint is a serious act. In the event it is found that an individual bringing the complaint has knowingly made false allegations, Tompkins County may take appropriate remedial action and/or disciplinary action in accordance with the provisions of applicable collective bargaining agreement and/or state law.

F. Legal Protections and External Remedies

Sexual harassment is not only prohibited by Tompkins County but is also prohibited by State, Federal, and, where applicable, local law.

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

1. ***New York State Division of Human Rights (DHR)***

   The Human Rights Law (HRL), codified as N.Y. Executive Law, Art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, interns, and non-employees. A complaint alleging violation of the Human Rights Law may be filed either with Division of Human Rights or in New York State Supreme Court. Complaints with DHR may be filed any time **within three (3) years** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three (3) years** of the alleged discrimination. An individual may not file with DHR if they have already

filed a HRL complaint in state court.

Complaining internally to Tompkins County does not extend the time for filing a complaint with DHR or in court.

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 discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring the employer to act to stop the harassment, or redress the damage caused, including paying monetary 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. Contact DHR at (718) 741-8400 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains 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.

2. ***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 with the EEOC anytime within **300 days** from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court. The EEOC may also issue a Right to Sue letter prior to the conclusion of its investigation upon request by the charging party.

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

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

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

3. ***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.

4. ***Contact the Local Police Department***

   If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Criminal complaints may be initiated through the local police department.

Tompkins County Department of Human Resources
125 East Court Street, Ithaca, NY 14850 | P: (607) 274-5526 | F: (607) 274-5401 | www.TompkinsCountyNY.gov
Inclusion through Diversity

TOMPKINS COUNTY DISCRIMINATION AND HARASSMENT PREVENTION COMPLAINT FORM

(Submit to Commissioner of Human Resources or County Administrator)

This form may be used to file a complaint of discrimination or discriminatory harassment which is a form of discrimination prohibited by Federal law, the New York State Human Rights Law, and *Tompkins County* Policy. This form is also to be used to file a claim of other unacceptable conduct or retaliation. You will not be retaliated against for filing a complaint.

Filing this complaint form with *Tompkins County* in no way deprives you of the right to file a complaint with the U.S. Equal Employment Opportunity Commission, New York State Division of Human Rights, and/or the Federal or State courts.

If you are more comfortable reporting verbally or in another manner, HR should complete this form, provide you with a copy to acknowledge by your signature that the information as recorded is correct, and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

PLEASE PRINT OR TYPE

1. Name_____

   Phone Number _____

   Residence_____

   Mailing Address (if different from residence)_____

   City _____ State _____ Zip Code _____

2. Department _____ Employee #_____

3. The alleged discrimination or discriminatory harassment occurred on or about:

   Month: _____ Day: _____ Year: _____ Time: _____

   Is this alleged discrimination or discriminatory harassment continuing? YES _____ NO_____
   Are you personally the subject of the alleged discrimination or harassment? YES _____ NO_____

   If not, please state the name of the person(s) who are the subject of the alleged harassment:
   _____

   Describe the alleged act of discrimination or discriminatory harassment, unacceptable conduct or retaliation. **Use additional sheets if necessary.** If you have any relevant documents, please include them.

   _____

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4. Indicate the name(s) of the alleged harasser(s):

_____

_____

5. State the name(s) of any potential witness(es):

_____

_____

(Responses to items 6 and 7 are optional. Your response may assist with the investigation.)

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

_____

_____

7. Have you filed this charge with a Federal, State, or local government agency?

YES/NO: _____ When _____ Where _____
(Month/Day/Year)

Have you instituted a suit or court action on this charge?

YES/NO: _____ When_____ Where _____
(Month/Day/Year)

I swear or affirm that I have read the above related facts and that the statements are true and correct to the best of my knowledge, information and belief.

Date: _____ _____

(Signature)

-INFORMATION PROVIDED HEREIN WILL BE CONFIDENTIALLY MAINTAINED TO THE EXTENT CONSISTENT WITH A THOROUGH INVESTIGATION, APPLICABLE COLLECTIVE BARGAINING AGREEMENTS, AND OTHER LAWS AND REGULATIONS REGARDING EMPLOYEES AND THE WORKPLACE SETTING -