Sexual Harassment Prevention Resources

Sexual Harassment Prevention Requirements

Sexual Harassment Prevention Resources
Per New York State Labor Law 201-G, employers must adopt sexual harassment policy and provide annual training to all employees. In particular, here are the highlights of the new requirement.

1. Managers and supervisors are required to report any compliant that they receive, or any harassment that they observe or have any reason to suspect that a violation is occurring.
2. The policy applies to all employees, paid or unpaid interns, and nonemployees (including volunteers, contractors, vendors, program participants, etc.).
3. All employees must receive a copy of the policy.
4. Interactive training must be provided on an annual basis. All employees must receive the training before October 9th, 2019. New employees should be trained as soon as possible.

Resources
Cornell Cooperative Extension Sexual Harassment Policy which follows below (including the reporting form).

New York State Sexual Harassment Employer Resource Page
Frequently Asked Questions (published by NYS)
Employer Toolkit (published by NYS)
Sample Sexual Harassment Acknowledgement Form (see last page)

To report a violation
Within Association
Association Executive Director or designee, HR Reps, and/or Association Board of Directors

Cornell University
Equal Opportunity Officer: Cornell University, 382 Roberts Hall, Ithaca, New York 14853, P 607-255-2135, C 607-351-5899, cce-biasconcerns@cornell.edu or sfd3@cornell.edu

External Contact
CCE Anonymous Ethics Hotline -- 800-457-8829
NYS Division of Human Rights -- One Fordham Plaza, Fourth Floor, and Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.
US Equal Employment -- 1-800-669-4000 (TTY: 1-800-669-6820), www.eeoc.gov or via info@eeoc.gov.

Cornell Cooperative Extension provides equal program and employment opportunities.
Purpose – The Association is committed to maintaining a professional work environment where employees and non-employees are free from any form of sexual harassment. All necessary measures are taken by the Association to prevent sexual harassment in the workplace or, in the event it occurs, to stop the conduct immediately. This Policy is one component of the Association’s commitment to a discrimination-free work environment. In addition, the Association prohibits discrimination and harassment in other forms as described in the Equal Employment Opportunity Policy.

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including applicant and independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Association to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

Definition of Workplace - For the purpose of this Policy, the workplace includes the office, work sites, and social functions sponsored by Association both on and off the premises of the Association, business meetings, business-related travel, or at any work location while representing the Association. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Sexual Harassment Definition - Sexual harassment is a form of sex discrimination 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 expression, gender identity and the status of being transgender.

The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature to an 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 (also known as quid pro quo harassment); or
- when 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 (also known as quid pro quo harassment); or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

A sexually harassing hostile work environment includes, but is 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. Sexual harassment also consists of any unwanted verbal or physical advances, 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.

Any employee who feels harassed should report so that any violation of this Policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this Policy.

**Prohibited Behavior** - Unprofessional, inappropriate, or offensive conduct, whether committed by a supervisor, coworker, vendor, supplier, visitor, client, 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 comments, jokes, innuendoes, or stories. This includes verbal harassment as well as written, voice mail, and e-mail messages, sexually oriented gestures, noises, remarks or jokes, or comments about a person’s sexuality or sexual experience, which create a hostile work environment.
- Demeaning, insulting, or sexually suggestive comments used to describe an individual or the individual's appearance or body;
- Leering, ogling, obscene gestures, or whistling;
- Sexual flirtations, advances, or propositions;
- Physical contact, including touching, groping, grabbing, hugging, massaging, fondling, or intentionally rubbing up against a person's body; 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.
• A supervisor threatening or implying that a subordinate's acceptance or refusal of the supervisor's sexual advances will affect the subordinate's terms or conditions of employment (e.g., promotion, demotion, pay increase, termination). Requests for sexual favors accompanied by implied or overt threats concerning the target’s job performance evaluation, a promotion or other job benefits or detriments; subtle or obvious pressure for unwelcome sexual activities.
• Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
• 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, name-calling.

**Supervisory Responsibility** - In the event that a supervisor is a witness to, or is notified of, or for any reason suspects that sexual harassment or inappropriate conduct is occurring, the supervisor must take immediate action to stop the conduct and is **required** to notify their immediate supervisor, the Association Executive Director or their designee, Human Resources Representative and/or the Equal Employment Opportunity Officer.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment, or any reason to suspect that sexual harassment is occurring or otherwise knowingly allowing sexual harassment to continue. Supervisors and managers will also be subject to discipline for engaging in any retaliation. In addition, supervisors may be liable and may not receive defense of actions from the Association.

**Investigation of Report** - All reports of sexual harassment, whether verbally or in writing, are investigated promptly, discreetly, and thoroughly and in as impartial a manner as possible. Investigations will be confidential to the extent possible. An investigation generally involves talking with the parties involved as well as any witnesses. Any employee is required to cooperate in an investigation. Any employee or supervisor who violates this Policy will be subject to disciplinary action, up to and including termination.

**Retaliation** - Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law.
The Association will not take any adverse employment action against an employee who files a report or who participates in an investigation. In addition, the Association prohibits an employee from retaliating in any way against a coworker for filing a report or participating in an investigation.

**Remedial Action** – Any employee, supervisor, intern, vendor, supplier, visitor, client, or other non-employee who sexually harasses will be subject to remedial or disciplinary action, as determined by Association management (e.g., counseling, suspension, termination).

**Reporting Policy Violations** - An employee who believes that the actions or words of a supervisor, coworker, intern, vendor, supplier, visitor, client, or any other non-employee has violated this Policy should report the behavior to their immediate supervisor, the Association Executive Director or their designee, Human Resources Representative and/or Association Board of Directors. Alternatively, the employee may contact the Equal Employment Opportunity Officer for the extension system in Extension Administration at Cornell: Cornell Cooperative Extension, Equal Opportunity Officer, Cornell University, 382 Roberts Hall, Ithaca, New York 14853, P 607-255-2135, C 607-351-5899, cce-biasconcerns@cornell.edu or sfd3@cornell.edu.

Resources outside the Association include: Cornell Cooperative Extension’s anonymous Ethics Hotline at 800-457-8829 as well as the Division of Human Rights and EEOC whose contact information is listed at the end of this Policy.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written report is attached to this Policy, and all employees are encouraged to use this reporting form. Employees who are reporting sexual harassment on behalf of other employees should use the reporting form and note that it is on another employee’s behalf.

Employees, paid or unpaid interns 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**.

**Legal Protections And External Remedies** - Sexual harassment is prohibited by the Association but is also prohibited by state, federal, and (where applicable) local law.

Aside from the internal process at the Association, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a report with a governmental agency, you may seek the legal advice of an attorney.

**State Human Rights Law (HRL)**

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

Reports with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years
of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL report in state court.

Reporting internally to the Association does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a report with DHR, and there is no cost to file with DHR.

DHR will investigate your report and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of 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, and Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a report. The website has a report 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.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (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 report with the EEOC anytime within 300 days from the harassment. There is no cost to file a report with the EEOC. The EEOC will investigate the report 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 report in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of reporting parties. 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 reports 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 report with DHR, DHR will file the report 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. Contact the local police department.
Cornell Cooperative Extension
Sexual Harassment Reporting Form

New York State Labor Law requires all employers to adopt a Sexual Harassment Policy that includes a reporting form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to your immediate supervisor, the Association Executive Director or their designee, Human Resources Representative and/or Association Board of Directors. Alternatively, the employee may contact the Equal Employment Opportunity Officer for the extension system in Extension Administration at Cornell:

Cornell Cooperative Extension
Equal Opportunity Officer
Cornell University
382 Roberts Hall
Ithaca, New York 14853
P 607-255-2135
C 607-351-5899
cce-biasconcerns@cornell.edu
sfd3@cornell.edu

You will not be retaliated against for filing a report.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its Sexual Harassment Policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

REPORTER INFORMATION

Name:

Work Address: Work Phone:

Job Title: Email:

Select Preferred Communication Method: Email Phone In person
SUPERVISORY INFORMATION

Immediate Supervisor’s Name:

Title:

Work Phone: Work Address:

REPORT INFORMATION

1. Your report of Sexual Harassment is made about:

Name: Title:

Work Address: Work Phone:

Relationship to you: __Supervisor __Subordinate __Co-Worker __Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? __Yes __No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your report:

The last question is optional, but may help the investigation.

5. Have you previously reported or provided information (verbal or written) about related incidents? If yes, when and to whom did you report or provide information?
If you have retained legal counsel, please provide their contact information.

Signature: __________________________ Date: __________________

**Instructions for Employers**

If you receive a report about alleged sexual harassment, engage your Executive Director and/or Human Resources Representative and follow your Sexual Harassment Policy.

An investigation may involve:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the report was made. This may be done via email.

November 2018
Acknowledgment of Sexual Harassment Policy

I acknowledge receipt of the Cornell Cooperative Extension Sexual Harassment policy 403. I understand it is my responsibility to read, understand, and comply with the policy and procedures.

I understand I am expected to abide by the rules and requirements contained in the policy with regard to the reporting of harassment and not to retaliate against anyone for exercising his/her rights under this policy.

I understand that I must attend Sexual Harassment training at least annually.

I further understand that if I have any questions that were not addressed in the policy or training, or if I encounter any problems, I can contact my Supervisor, Executive Director, Association Human Resources Representative, Association Board of Directors, Regional Human Resources Lead, and/or Extension Administration.

By my signature below, I agree to comply with the policy and understand that violation(s) of policy could result in disciplinary action, up to and including termination from employment.

Printed Name: _______________________________________________

Signature: __________________________________________________

Date: _______________________________