



Brooklyn For Peace Sexual Harassment Prevention Policy

Introduction

Brooklyn For Peace (BFP) is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. BFP has a zero-tolerance policy for any form of sexual harassment, and all employees, Board members, committee members and volunteers are required to work in a manner that prevents sexual harassment in the workplace. This policy is one component of BFP's commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with BFP and/or with a government agency or in the court under federal, state, or local antidiscrimination laws.

Sexual Harassment Training

All employees of Brooklyn For Peace are required to complete the NY City Commission on Human Rights training on sexual harassment within one week of the start of employment, and once a year thereafter. Employees will be compensated for the time taken to do the training (1 hour.) The training can be accessed at this link:

<https://www1.nyc.gov/site/cchr/law/sexual-harassment-training.page> The certificate of completion should be forwarded by email to the Executive Director or Chairperson as appropriate and will be kept in the employee's personnel file.

BFP board members, committee members, and volunteers are not required to complete sexual harassment prevention training, but as anyone acting in any capacity for BFP is subject to liability if charges are brought against them, all are strongly encouraged to do so by either:

- a) completing the NY City Commission on Human Rights training at the link above, or
- b) completing a NYS interactive training arranged by the Personnel Committee at:

<https://www.ny.gov/combating-sexual-harassment-workplace/employers>)

Policy

1. This policy of BFP applies to all employees, applicants for employment, Board members, committee members, volunteers – whether paid or unpaid, contractors, and persons conducting BFP business.

2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
3. Retaliation Prohibition: No person covered by this policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of sexual harassment complaint. BFP has a zero-tolerance policy for such retaliation against anyone who, in good faith, complains or provides information about suspected sexual harassment. Any employee, Board member, committee member or volunteer of BFP who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Anyone who believes they have been subject to such retaliation should inform a supervisor, manager, or the BFP Board Review Committee members. Anyone who believes they have been a victim of such retaliation may also seek compensation in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects BFP to liability of harm to victims of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors, as well as Board members, committee members and volunteers, or anyone who knowingly allows such behavior to continue, will be subjected to remedial and/or disciplinary actions for such misconduct.
5. BFP will conduct a prompt, thorough and confidential investigation that ensures due process for all parties whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. BFP will provide all employees with a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe to the BFP Board Review Committee.
8. This policy must be posted prominently in all work locations and be provided to employees upon hiring.
9. The Review Committee members are required to notify the chair of the Personnel Committee about any and all reports of sexual harassment received at the time they receive the report, and then to share their findings as well as suggested remedial and/or disciplinary action(s) with the chair of the Personnel Committee at the conclusion of

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their investigation. The chair of the Personnel Committee will then call a meeting of the Personnel Committee to discuss these findings and whether they think the suggested remedial and/or disciplinary actions are fair. The Personnel Committee will make the final decision regarding any remedial and/or disciplinary action(s), after which the Review Committee is responsible for executing them. The Personnel Committee is required to report to the Board that an incident occurred and what actions were taken.

What Is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination that is unlawful under federal, state, and (where applicable) local law. Under Human Rights law, harassment is unlawful if it is anything other than petty slights or trivial inconveniences. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity, and/or transgender status. 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, sexual orientation, gender identity, or transgender status 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;
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment consists of 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 orientation, gender identity, or transgender status. 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, and/or which interfere with the recipient’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.

Examples of Sexual Harassment

The following describes some of the types of acts that may constitute unlawful sexual harassment and that are strictly prohibited:

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- Physical assaults of a sexual nature, such as:
 - o Touching, pinching, patting, grabbing, brushing against or poking the body of another employee, intern, volunteer, contractor or non-employee;
 - o Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - o Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments;
 - o Subtle or obvious pressure for unwanted sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - o Displaying pictures, posters, or calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or transgender status, such as:
 - o Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - o Sabotaging an individual's work;
 - o Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

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

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 sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or outside of work hours.

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What is “Retaliation”?

Unlawful retaliation can be any action that would keep an individual 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.

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:

- filed a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- complained that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility.

BFP cannot prevent or remedy unknown sexual harassment. Any employee or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or Review Committee member. Anyone who witnesses or becomes aware of potential instances of sexual harassment should also report such behavior to a supervisor, manager or Review Committee member. Any harassing conduct, even a single incident, can be addressed under this policy.

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

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

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Supervisory Responsibilities

All supervisors, managers, and Board members 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 such suspected sexual harassment to the BFP Board Review Committee.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors, managers, and Board members will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors, managers, and Board members will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

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 possible. A complaint form containing the names of the current Review Committee members is provided at the end of this document.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, and should be completed within 30 days. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Employees who participate in any investigation will not be retaliated against.

Investigations will be done in accordance with the following steps:

- Upon receipt of complaint, the Review Committee will conduct an immediate review of the allegations, and take any interim actions as appropriate. If the complaint is oral, the Review Committee will encourage the individual to complete the "Complaint Form" in writing. If the individual refuses, the Review Committee will prepare a Complaint Form based on the oral reporting.
- If documents, emails or phone records are relevant to the allegations, the Review Committee will 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 and the individual(s) against whom the complaint was made;

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- Further, the Review Committee will:
 - o Create a 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 their recommended final resolution of the complaint, together with any remedial and/or disciplinary action(s) (see below).
 - o Keep the written documentation and associated documents in the employer's records.
 - o Promptly notify the chair of the Personnel Committee, who will follow the procedure as outlined above in Section 9 under Policy. After a final determination has been made, the Review Committee will notify both the individual who complained, and the individual against whom the complaint was made of the final determination, and will implement any corrective actions identified in the final written document.
 - o Inform the individual who complained of their right to file a complaint or charge externally as outlined below.
 - o Remedial and/or disciplinary actions may include but are not limited to:
 - No action
 - Verbal notice
 - Written notice
 - Educational action, such as referrals to relevant community programs or available literature
 - Recommendation(s) for counseling
 - Facilitated communication between the parties for the purpose of accountability and/or resolution
 - State that there is to be no contact between the parties
 - Suspension from the organization (if the person against whom the complaint was made is a volunteer)
 - Termination of employment (if the person against whom the complaint was made is an employee)

Legal Protections and External Remedies

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

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Aside from the internal process at BFP, employees may also choose to pursue legal remedies with the following governmental entities **at any time**.

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, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three 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 BFP does not extend an individual's time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.

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

DHR will investigate your 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 your employer to take action to stop the harassment, or to redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: <https://www.dhr.ny.gov/contact-us>

Contact DHR at (888) 392-3644 or visit www.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.

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.

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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 employee 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.

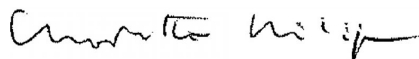
Local Protections

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. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml

Contact the Local Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. In this case, the reporting individual should contact the local police department.

Policy approved by Board vote on July 14, 2022; updated and approved Sept 29, 2023



Charlotte Phillips, Chairperson



Michaela Czerkies, Executive Director

Employee Name: _____

Signature: _____

Date: _____

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Brooklyn For Peace - Sexual Harassment Complaint Form

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment. As BFP's Sexual Harassment Prevention Policy applies to all BFP employees, Board members, committee members, and volunteers, anyone who identifies as such may fill out this form.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to BFP Board Review Committee Members Melissa Corbett (msmcorbett@gmail.com) and Marian Ronan (marian.ronan4@gmail.com). You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, Melissa and Marian should complete this form, review it with you for accuracy, and provide you with a copy.

Melissa and Marian will then investigate the claims as outlined in BFP's Sexual Harassment Prevention Policy.

For additional resources, visit:

ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name:

Work Address (if applicable):

Work Phone (if applicable):
Private Phone:

Job Title (if applicable):

Email:

Select Preferred Communication Method:

Email Phone In person

SUPERVISORY INFORMATION (if applicable)

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

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COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: Supervisor Subordinate Co-Worker BFP Board member, committee member, or volunteer 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 complaint:

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

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

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

Signature: _____ Date: _____

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