



6122 South Park Avenue
Hamburg, New York 14075
716.648.4145
www.HamburgIDA.com

**Hamburg Industrial Development Agency
Board of Directors Meeting
MEETING AGENDA
Wednesday, May 17, 2023, 7:30 AM
Blasdell Village Hall, Court Room, 121 Miriam Avenue, Blasdell, New York**

Join Zoom Meeting

<https://us02web.zoom.us/j/85621954900?pwd=bVRuNDdwVTcySEZFNHczU2pxV2VrZz09>

Meeting ID: 856 2195 4900

Passcode: 14075

1. Roll Call
2. Reading and Approval of April 2023 Minutes
3. Report of the Treasurer – April Treasurer Report
4. Executive Director Update

New Business

- COVID Waivers – Extensions and Employment
- Extension request – Johnson’s Brew house, Inc.
- NYS updated model Sexual Harassment Policy

Unfinished Business

- Review 2022 Audit – copies distributed at April board meeting
- 2023 Sexual Harassment Training – proof of training to Mary
- Conclusion of Agency Policy Review:
 - Diversity & Inclusion Policy
 - Recapture Policy with Material Terms
 - Employee Compensation Program
 - Data Gathering Procedure
 - Countywide UTEP
 - Combined Fee Schedule
 - Access to Agency Records
 - Local Labor Policy
 - Memorandum of Understanding with Countywide Policy

5. Privilege of the Floor
6. Executive Session
7. Adjournment

Next meeting: June 21, 2023 7:30 AM Blasdell Village Hall



Unapproved/draft
(BOD motion for approval at 5/17/23 meeting)

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**Hamburg Industrial Development Agency
Board of Directors Meeting
April 19, 2023, 7:30am
Blasdell Village Hall**

Present

Bob Reynolds
Tom Moses
Davis Podkulski
Bob Hutchison
Janet Plarr
Andy Palmer
Wence Valentin
Jamel Perkins

Excused

Cam Hall

Guests

Jennifer Strong, Neill & Strong
Mary Doran, HIDA
James Farrell, Hamburg Sun

Executive Director

Sean Doyle

- Pledge of Allegiance

-Roll Call

-Motion to open the board meeting at 7:35am

Moved: Tom Moses

Seconded: Bob Hutchison

Ayes: Moses, Podkulski, Hutchison, Palmer, Reynolds, Valentin, Perkins

Nays: none

Carried

-Motion to approve the March 2023 board meeting minutes

Moved: Andy Palmer

Seconded: Jamel Perkins

Ayes: Moses, Podkulski, Hutchison, Palmer, Reynolds, Valentin, Perkins

Nays: none

Carried

Treasurer, Bob Reynolds, gave an update on the financials. March had income of \$2,287.91 of which \$2,089.08 was interest earnings and expenses of \$19,067.51 of which \$16,377.70 consisted of payroll. Balance on the accounts is \$1,006,085.96.

-Motion to approve the March 2023 Treasurer Report

Moved: Bob Hutchison

Seconded: Andy Palmer

Ayes: Moses, Podkulski, Hutchison, Palmer, Reynolds, Valentin, Perkins

Nays: none

Carried

Doyle noted the \$250,000 certificate of deposit at Upstate Bank was rolled over for another year and the interest rate went up .5%.

Executive Director Update:

- Still carrying the following projects that have not yet closed; K&H, Staub and Mission Hills.
- As previously discussed, North Forest properties changed ownership with a year left on the PILOT. Since the new owner did not apply for the PILOT and did not have IDA approval for carry over of the current PILOT a recapture letter was sent with 30 day notice to respond. The new owner contacted Doyle and they will be remitting payment for the abated tax amount (approx. \$10,000).
- Meeting with Feedmore on April 27th, a local not for profit regarding bond financing through the HNYLDC for a food terminal in Hamburg.
- The Gateway building is under contract with Cedarland Development. Doyle had 2 meetings with them. The first was to talk about what the IDA can offer. The building is in distress, they are looking to stabilize the building, update the look and drive leasing, currently about half of the building is leased. The 2nd meeting was with the Town Supervisor to discuss brownfield opportunities at the site.
- There has been a lot of activity and calls of interest especially on the 0 Lakeshore Road parcel with the HNYLDC.
- 290 Lake Street is expiring, the property has new owner and they would have to reapply to the HIDA.
- Continuing to monitor the Amazon site which has had some truck activity over the past week. Hutchison commended Doyle for a news interview on the project, well done.
- SBA HUB Zone, Blasdell is eligible. Doyle is working with Empire State Development regarding the process to support this as a designated zone.
- Next board meeting is May 17th.
- Pitch Hamburg event is May 31st.
- There is interest in the old Dick's Sporting Goods store near the McKinley Mall. The potential tenant would use as a warehouse distribution facility for costumes with a small retail component.

New Business

-Doyle read the following resolution for Key Capture Energy:

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY EXTENDING THE SALES TAX PERIOD FOR THE KCE NY 6, LLC, UNTIL OCTOBER 18, 2023

WHEREAS, the Town of Hamburg Industrial Development Agency (the "Agency") by resolution adopted on September 10, 2021 induced KCE NY 6, LLC, (the "Lessee") with respect to the construction and installation of a 20 mw utility servicing battery energy storage facility for wholesale electric markets at 2026 Electric Avenue in the Village of Blasdell (the "Project").

WHEREAS, due to COVID - 19 pandemic and the mandated construction shutdown and the supply-chain delays as a result of border closings and supply demands, the Lessee has been unable to complete the Project within the time frame originally anticipated and has requested that the time period for completion be extended for six months; and

WHEREAS, The Town of Hamburg Industrial Development Agency approved a temporary policy to waive extension fees for project extensions for COVID-19 Pandemic related delays on May 26, 2020 to lessen the economic burden of induced project delays related to the COVID-19 Pandemic.

NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY AS FOLLOWS:

1. *The Agency does hereby extend the sales tax period for the Lessee from September 10, 2022 until October 18, 2023 and waives the extension fee; and*
 2. *This resolution shall take effect immediately.*
-

-Motion to approve the above extension request for Key Capture Energy

Moved: Davis Podkulski

Seconded: Andy Palmer

Bob Reynolds questioned the wavier on extension fees. Strong stated the HIDA has never charged extension fees on projects post-closing. Reynolds inquired about the back office work and what goes into the extension. Strong stated it is writing the resolution and sending updated letters to New York State. None the less the Executive Committee will review the policy at their next meeting, it may be time to change or re-word the policy since the COVID pandemic has been officially declared as over. Additionally, Doyle stated granting extensions has been a good process for the HIDA to keep projects moving along and accountable.

Ayes: Moses, Podkulski, Hutchison, Palmer, Reynolds, Valentin, Perkins

Nays: none

Carried

Janet Plarr joined the meeting at 8:01pm

NOTE: INTERNET ISSUES AT 8:05AM, WHICH AS AFFECTED THE ABILITY TO LIVE STREAM THE BOARD MEETING.

-Sean read the following resolution for K&H Industries, Inc:

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY EXTENDING THE INDUCEMENT PERIOD AND THE SALES TAX PERIOD FOR GRIMSVIEW PROPERTIES, LLC PROJECT, UNTIL OCTOBER 18, 2023.

WHEREAS, GRIMSVIEW PROPERTIES, LLC (the "Lessee") has entered into negotiations with the officials of the Town of Hamburg Industrial Development Agency (the "Agency") with respect to the construction, installation and equipping of an approximately 18,000 square foot addition to an existing advanced manufacturing facility at 160 Grimsby Drive in the Village of Hamburg for lease to the Agency and subsequent Leaseback to the Lessee and further sublease to K & H INDUSTRIES, INC. (the "Sublessee") who will be the sole tenant (the "Project"); and

WHEREAS, the Town of Hamburg Industrial Development Agency (the "Agency") by resolution adopted on October 20, 2021 approved assistance for the Project; and

WHEREAS, there has been delay in finishing the Project due to supply chain issues outside of the control of the Lessee; and

NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY AS FOLLOWS:

1. The Agency does hereby extend the inducement period and the sales tax period for the Lessee from October 20, 2022 through October 18, 2023 and waives the extension fee.

2. This resolution shall take effect immediately.

-Motion to approve the above extension request for K&H Industries, Inc.

Moved: Bob Reynolds

Seconded: Bob Hutchison

Ayes: Moses, Podkulski, Hutchison, Palmer, Reynolds, Valentin, Perkins, Plarr

Nays: none

Carried

-Sean read the following resolution for Staub Three, LLC.

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY EXTENDING THE INDUCEMENT PERIOD AND THE SALES TAX PERIOD FOR STAUB THREE, LLC PROJECT, UNTIL OCTOBER 18, 2023.

WHEREAS, STAUB THREE, LLC (the "Lessee") has entered into negotiations with the officials of the Town of Hamburg Industrial Development Agency (the "Agency") with respect to the acquisition, construction, installation and equipping of an approximately 50,000 square foot advanced manufacturing facility at 0 Grimsby Drive in the Village of Hamburg for lease to the Agency and subsequent Leaseback to the Lessee and further sublease to STAUB PRECISION MACHINE, INC. (the "Sublessee") who will be the sole tenant (the "Project"); and

WHEREAS, the Town of Hamburg Industrial Development Agency (the "Agency") by resolution adopted on October 20, 2021 approved assistance for the Project; and

WHEREAS, there has been delay in finishing the Project due to supply chain issues outside of the control of the Lessee; and

NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY AS FOLLOWS:

- 1. The Agency does hereby extend the inducement period and the sales tax period for the Lessee from October 20, 2022 through October 18, 2023 and waives the extension fee.*
- 2. This resolution shall take effect immediately.*

Doyle stated the project has expressed challenges with estimates and contracts completion by extension date seems ambitious. If they request an additional extension in October will need to see significant progress on the project.

-Motion to approve the above extension request for Staub Three, LLC.

Moved: Bob Reynolds

Seconded: Bob Hutchison

Ayes: Moses, Podkulski, Hutchison, Palmer, Reynolds, Valentin, Perkins, Plarr

Nays: none

Carried

-PARIS reports were submitted to the state and are available on our website.

-The 2022 Audit has been completed and copies were given to the board. It will be reviewed at next board meeting.

-Employment Contracts – Doyle read the following resolution:

WHEREAS, HIDA Executive Assistant Mary Ellen Doran is a hard- working and valued employee of the HIDA;

WHEREAS, the HIDA Board recognizes the talents, hard work and dedication of Ms. Doran and wishes to continue her employment with the HIDA.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

- 1. That the HIDA Chairmen is hereby authorized and directed to enter into an Employment Agreement Extension with Mary Ellen Doran for a term of three years (June 21, 2023 through June 30, 2026).*
- 2. This resolution shall take effect immediately.*

The foregoing Resolution was duly put to a roll call vote at a regular meeting on April 19, 2023.

Valentin – stepped out of the meeting on a call.

-Motion to approve the employment contract for Mary Ellen Doran

Moved: Bob Reynolds **Seconded:** Janet Plarr

Roll Call Vote: Moses - Aye, Podkulski - Aye, Hutchison - Aye, Plarr – Aye , Palmer – Aye, Reynolds – Aye, Perkins – Aye

Nays: none

Carried

Valentin returned to the meeting.

Chairman, Bob Hutchison, read the following resolution:

WHEREAS, HIDA Executive Director Sean Doyle is a hard working and valued employee of the HIDA;

WHEREAS, the HIDA Board recognizes the talents, hard work and dedication of Mr. Doyle and wishes to continue his employment with the HIDA.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS, THAT:

1. That the HIDA Chairmen is hereby authorized and directed to enter into an Employment Agreement Extension with Sean Doyle for a term of three years (July 1, 2023 through June 30, 2026).

2. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on April 19, 2023.

Additionally, Bob stated, Doyle’s performance over the past 5 years has elevated the organization to a new level.

-Motion to approve the employment contract for Sean Doyle

Moved: Andy Palmer **Seconded:** Jamel Perkins

Ayes: Moses, Podkulski, Hutchison, Palmer, Reynolds, Valentin, Perkins, Plarr

Nays: none

Carried

Plarr stated the vacation days on the contracts are not in sync Doran has day after Thanksgiving, Doyle does not. Plarr made the following motion:

-Motion to amend the Doyle employment contract to include the day after Thanksgiving as a day off.

Moved: Janet Plarr **Seconded:** Bob Reynolds

Ayes: Moses, Podkulski, Hutchison, Palmer, Reynolds, Valentin, Perkins, Plarr

Nays: none

Carried

-Motion to approve the Doyle employment contract as amended to include the Day after Thanksgiving as vacation day.

Moved: Bob Reynolds **Seconded:** Janet Plarr

Roll Call Vote: Moses - Aye, Podkulski - Aye, Hutchison - Aye, Plarr – Aye , Palmer – Aye, Reynolds – Aye, Perkins – Aye, Valentin - Aye

Nays: none

Carried

-Motion to re-adopt the Town of Hamburg Industrial Development Agency Policies as of April 19, 2023:

- Reimbursement and Attendance Policy
- Real Property Acquisition Policy
- Combined conflict of interest and code of ethics policy
- Defense and indemnification of officers and employees policy
- Complaint form – Sexual harassment policy
- Financial Disclosure Policy

Moved: Bob Reynolds **Seconded:** Wence Valentin

Ayes: Moses, Podkulski, Hutchison, Palmer, Reynolds, Valentin, Perkins, Plarr

Nays: none

Carried

* **Reminder** to the board annual sexual harassment training is required by law for all board members. Training thru current employer is acceptable please forward the HIDA proof of completion.

-Privilege of the Floor – no comments

-Motion to adjourn at 8:28am

Moved: Andy Palmer **Seconded:** Tom Moses

Ayes: Moses, Podkulski, Hutchison, Palmer, Reynolds, Valentin, Perkins, Plarr

Nays: none

Carried

Sincerely,

Sean Doyle, Executive Director

Next meeting: May 17, 2023 7:30AM Blasdel Village Hall

Town of Hamburg Industrial Development Agency
Treasurer's Report
As of April 30, 2023

| | Apr 30, 23 | Dec 31, 22 |
|---------------------------------------|--------------------------|----------------------------|
| ASSETS | | |
| Current Assets | | |
| Checking/Savings | | |
| Cash | | |
| Cash-Checking | 16,335.99 | 6,521.18 |
| Cash-Savings | 723,224.49 | 816,472.57 |
| CD Mature 4/2023 | 250,000.00 | 250,000.00 |
| Total Cash | <u>989,560.48</u> | <u>1,072,993.75</u> |
| Total Checking/Savings | <u>989,560.48</u> | <u>1,072,993.75</u> |
| Total Current Assets | <u>989,560.48</u> | <u>1,072,993.75</u> |
| TOTAL ASSETS | <u><u>989,560.48</u></u> | <u><u>1,072,993.75</u></u> |
| LIABILITIES & EQUITY | | |
| Equity | | |
| Opening Balance Equity | 499,980.27 | 499,980.27 |
| Retained Earnings | 573,013.48 | 565,034.84 |
| Net Income | <u>-83,433.27</u> | <u>7,978.64</u> |
| Total Equity | <u>989,560.48</u> | <u>1,072,993.75</u> |
| TOTAL LIABILITIES & EQUITY | <u><u>989,560.48</u></u> | <u><u>1,072,993.75</u></u> |

Town of Hamburg Industrial Development Agency

05/02/23

Treasurer's Report

Accrual Basis

April 2023

| | Apr 23 | Jan - Apr 23 |
|--|--------------------------|--------------------------|
| Ordinary Income/Expense | | |
| Income | | |
| Interest Earnings | 1,541.08 | 6,758.17 |
| Interest Earnings CD | 0.00 | 530.32 |
| Refund | 0.00 | 198.83 |
| Total Income | <u>1,541.08</u> | <u>7,487.32</u> |
| Gross Profit | 1,541.08 | 7,487.32 |
| Expense | | |
| Business Expenses | | |
| Meetings/luncheons | 135.47 | 621.05 |
| Mileage | 175.15 | 416.24 |
| Total Business Expenses | 310.62 | 1,037.29 |
| Cell Phone | 83.33 | 333.32 |
| Complete Payroll | | |
| Employer Payroll Taxes | 804.40 | 4,266.84 |
| Payroll and Benefits | 10,050.60 | 46,190.33 |
| Processing Payroll | 162.44 | 683.68 |
| Total Complete Payroll | 11,017.44 | 51,140.85 |
| Grants | 0.00 | 25,000.00 |
| Legal & Professional Services | | |
| Audit | 4,500.00 | 4,500.00 |
| Total Legal & Professional Servi... | 4,500.00 | 4,500.00 |
| Membership Dues | 0.00 | 5,000.00 |
| Office Expenses | | |
| Office Equipment | 1,025.97 | 1,025.97 |
| Postage | 7.50 | 180.23 |
| Subscriptions | 59.00 | 198.04 |
| Supplies | 0.00 | 214.64 |
| Office Expenses - Other | 0.00 | -2.45 |
| Total Office Expenses | 1,092.47 | 1,616.43 |
| Payroll Expenses/Insurance | 994.70 | 994.70 |
| Public Hearings | 68.00 | 68.00 |
| Sponsorship | 0.00 | 450.00 |
| Training | 0.00 | 780.00 |
| Total Expense | <u>18,066.56</u> | <u>90,920.59</u> |
| Net Ordinary Income | <u>-16,525.48</u> | <u>-83,433.27</u> |
| Net Income | <u><u>-16,525.48</u></u> | <u><u>-83,433.27</u></u> |

5/11/23, 9:22 AM

Sales tax - Sean Doyle - Outlook

Sales tax

Robert Johnson <bpj23@verizon.net>

Thu 5/11/2023 9:16 AM

To: Sean Doyle <sdoyle@townofhamburgny.gov>

Sean

Sue to some construction delays and the building taking longer to complete than initially thought, we would like to get an extension on our sales tax. I would assume this would be our final extension as our target is to finish the building by end of June.

Please let me know if anything is needed at this time.

Thank you

Bob Johnson

Johnson's Taphouse dba Johnson's Landing

Sent from my iPhone

RESOLUTION OF THE TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY EXTENDING THE INDUCEMENT PERIOD AND THE SALES TAX PERIOD FOR RPJ HOLDINGS, LLC (“LESSEE”) and JOHNSON’S TAPHOUSE, INC. (“SUBLESSEE”) PROJECT, UNTIL November 17, 2023.

WHEREAS, RPJ Holdings, LLC (the "Lessee") has entered into negotiations with the officials of the Town of Hamburg Industrial Development Agency (the "Agency") with respect to the construction, installation and equipping of an approximately 17,490 square foot brewing and distilling facility at 0 Lakeshore Drive in the Town of Hamburg for lease to the Agency and subsequent Leaseback to the Lessee and further sublease to JOHNSON TAPHOUSE, INC. (or related entity) (the "Sublessee") who will be the sole tenant (the "Project"); and

WHEREAS, the Town of Hamburg Industrial Development Agency (the “Agency”) by resolution adopted on November 17, 2021 approved assistance for the Project; and

WHEREAS, there has been delay in the construction of the Project, due to anticipated construction timelines; and

NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY AS FOLLOWS:

- 1. The Agency does hereby extend the sales tax period for the Lessee from May 17, 2023 through November 17, 2023.**
- 2. This resolution shall take effect immediately.**

ADOPTED: May 17, 2023

ACCEPTED: _____, 2023

RPJ HOLDINGS, INC.
as Lessee

By _____
Robert P. Johnson, President

JOHNSON’S TAPHOUSE, INC.
as Sublessee

By: _____
Robert P. Johnson, President

On April 11, 2023, New York State issued an updated Model Sexual Harassment Prevention Policy. The updates to the model policy include adding:

- information about how sexual harassment can occur in a remote work environment,
- an expanded explanation of gender identity and a clear statement that discrimination or harassment on the basis of gender identity, including gender role stereotyping, violates the law,
- a section on the heightened responsibility of supervisors under the law,
- a statement that under the New York State Law, intent is irrelevant, that the harassment need not be “severe or pervasive” to be unlawful, and that the conduct need only be considered more than a “petty slight or trivial inconvenience” when viewed from the standpoint of a “reasonable victim of discrimination with the same protected characteristics,”
- a section on methods of by-stander intervention,
- an updated list of examples of conduct that can constitute sexual harassment, and
- information about New York State’s confidential hotline for workplace sexual harassment complaints which was rolled out in July 2022.

**TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY AND
HAMBURG NEW YORK LAND DEVELOPMENT CORPORATION**
NEW SEXUAL HARASSMENT POLICY IN ACCORDANCE WITH NYS

Adopted:

Purpose and Goals

Hamburg Industrial Development Agency and Hamburg New York Land Development Corporation are 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. Sexual harassment is often viewed simply as a form of gender-based discrimination, but Hamburg Industrial Development Agency and Hamburg New York Land Development Corporation recognizes that discrimination can be related to or affected by other identities beyond gender. 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. Our different identities impact our understanding of the world and how others perceive us. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace. 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. 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, managers, 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 Hamburg Industrial Development Agency and Hamburg New York Land Development Corporation 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 Hamburg Industrial Development Agency and/or Hamburg New York Land Development Corporation. 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. Hamburg Industrial Development Agency and Hamburg New York Land Development Corporation policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to 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 Hamburg Industrial Development Agency and Hamburg New York Land Development Corporation. For the remainder of this policy, we will use the term “covered individual” to refer to these individuals who are not direct employees of the company.
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 Hamburg Industrial Development Agency and Hamburg New York Land Development Corporation 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 the Executive Director or Chairman of the Board. 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 Hamburg Industrial Development Agency and/or Hamburg New York Land Development Corporation 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 managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.
5. Hamburg Industrial Development Agency and/or Hamburg New York Land Development Corporation 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. Hamburg Industrial Development Agency and/or Hamburg New York Land Development Corporation will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, Hamburg Industrial Development Agency and/or Hamburg New York Land Development Corporation will act as required. In addition to any required discipline, Hamburg Industrial Development Agency and/or Hamburg New York Land Development Corporation will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including managers 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 manager 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 employer and a government agency.

Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Executive Director or Chairman of the 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. For those offices operating remotely, in addition to sending the policy through email, it will also be available on the organization's shared network.

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 Hamburg Industrial Development Agency and Hamburg New York Land Development Corporation 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;
 - This can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship;
 - 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 employees and all covered individuals described earlier in the policy. **Harassers can be anyone in the workplace.** A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, customer, patient, 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 supervisor or manager 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. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. Any employee or covered individual is encouraged to report harassing or discriminatory behavior to the Executive Director or the Chairman of the Board. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to the Executive Director or the Chairman of the Board.

Reports of sexual harassment may be made verbally or in writing. A written complaint form is attached to this policy if an employee would like to use it, but the complaint form is not required. 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 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

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers 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 to the Executive Director or Chairman of the Board. Managers 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.

Supervisors and managers can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors and managers can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

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

While supervisors and managers have a responsibility to report harassment and discrimination, 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.

Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager 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 supervisor or manager 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. Hamburg Industrial Development Agency and Hamburg New York Land Development Corporation will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

Hamburg Industrial Development Agency and Hamburg New York Land Development Corporation 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 be done in accordance with the following steps. Upon receipt of a complaint, the Executive Director or Chairman of the Board:

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 complaint is verbal, request that the individual completes the complaint form in writing. If the person reporting prefers not to fill out the form, the Executive Director or Chairman of the Board will prepare a complaint form or equivalent documentation based on the verbal reporting;
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. Executive Director or Chairman of the Board 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.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by Hamburg Industrial Development Agency and Hamburg New York Land Development Corporation, 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, you 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 Hamburg Industrial Development Agency and Hamburg New York Land Development Corporation does not extend your time to file with DHR or in court. The three years are 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 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 your 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. You 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 your 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 **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.

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. For example, employees who work in New York City may file complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; 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 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 Hamburg Industrial Development Agency and Hamburg New York Land Development Corporation 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, predisposing 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.

**TOWN OF HAMBURG INDUSTRIAL DEVELOPMENT AGENCY AND
HAMBURG NEW YORK LAND DEVELOPMENT CORPORATION
NEW COMPLAINT FORM FOR REPORTING SEXUAL HARASSMENT
IN ACCORDANCE WITH NEW YORK STATE**

Adopted:

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.

If you believe that you have been subjected to sexual harassment or gender discrimination, you are encouraged, but not required, to complete this form and submit it to the Executive Director or Chairman of the Board, Town of Hamburg Industrial Development Agency/Hamburg New York Land Development Corporation, 6122 South Park Avenue, Hamburg, New York 14075. No employee will be retaliated against for filing a complaint.

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 prevention policy by investigating the claims as outlined at the end of this form.

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

COMPLAINANT 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:

Adoption of this form does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

COMPLAINT INFORMATION

1. Your complaint of sexual harassment is made about:

Name:

Title:

Work Phone:

Work Address:

Relationship to you: Supervisor Supervisee Co-Worker Other (please specify)

2. Please describe what happened and include as many details as possible. You may use additional sheets of paper if necessary. If you have any relevant documents, please include them. .

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

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

This is not required, but if you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____

Date: _____

Instructions for Employers

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- 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.

Sexual harassment occurs on a spectrum and employers are encouraged to view all potential allegations with an open mind. Disciplinary action should meet the severity of the alleged actions.

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