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FAX 716-638-4183

ASSESSOR
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TAX
COLLECTOR
716-778-6052

BUILDING
INSPECTOR
716-778-5947

WATER/SEWER
716-778-8132



TOWN OF NEWFANE

2737 Main Street
Newfane, New York 14108

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JUSTICE COURT
2896 Transit Road
Newfane, New York
14108
716-778-9292

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716-778-8844

WATER/SEWER
MAINTENANCE
716-778-8587

6176 McKee Street
Newfane, New York
14108

TDD 1-800-662-1220

RESOLUTION #41-2026 OF THE TOWN BOARD, TOWN OF NEWFANE, NY

RESOLUTION ADOPTING A SEXUAL HARASSMENT PREVENTION AND GENDER-BASED VIOLENCE IN THE WORKPLACE POLICY

WHEREAS, the Town Board of the Town of Newfane (the “Town”) recognizes its responsibility, as an employer, to provide and maintain a workplace free from sexual harassment, discrimination, retaliation, and gender-based violence; and

WHEREAS, New York State law requires employers to adopt and maintain policies addressing sexual harassment prevention and workplace protections relating to gender-based violence; and

WHEREAS, the Town has previously maintained a sexual harassment prevention and gender-based violence in the workplace policy, and the Town Board now desires to update that policy in order to conform to current law and the applicable New York State model policies and guidance, and to promote a safe, respectful, and professional work environment for all Town employees, elected officials, appointed officials, volunteers, interns, and individuals conducting business with or on behalf of the Town; and;

WHEREAS, the Town Board has reviewed the proposed updated policy, a copy of which is attached hereto as Exhibit A, and finds that its adoption is in the best interests of the Town and its employees;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Newfane hereby adopts and approves the “Town of Newfane Sexual Harassment Prevention and Gender-Based Violence in the Workplace Policy,” attached hereto as Exhibit A and incorporated herein by reference, effective immediately upon adoption, which policy shall supersede and replace any prior sexual harassment prevention or gender-based violence in the workplace policy of the Town; and be it further

RESOLVED, that the Town Supervisor, together with Town department heads and other appropriate Town officials, is authorized and directed to implement and administer the policy in accordance with its terms and applicable law; and be it further

RESOLVED, that all Town employees, applicants for employment, elected officials, appointed officials, Town Board members, volunteers, interns, contractors, vendors, consultants, and other covered persons shall be subject to the provisions of the policy to the extent permitted by law; and be it further

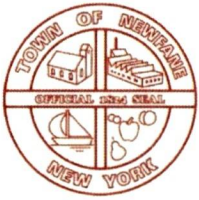
RESOLVED, that copies of the policy shall be made available to all current employees and to new employees upon hire or appointment, and that annual interactive sexual harassment prevention training shall be conducted as required by Labor Law § 201-g; and be it further

RESOLVED, that the Town shall display and make available the New York State Domestic and Sexual Violence Hotline information and the New York State Gender-Based Violence and the Workplace poster, and such other notices as may be required by law, in locations accessible to employees; and be it further

RESOLVED, that the Town Clerk is hereby directed to maintain a copy of the adopted policy in the official records of the Town and to make the policy available for inspection as required by law.

By Order of the Town Board
Town of Newfane, Niagara County, New York
Adopted this ____ day of _____, 2026

Town Board Member	Vote	
Supervisor John Syracuse	☐ Aye	☐ Nay
Councilman Paul Conrad	☐ Aye	☐ Nay
Councilman Robert Horanburg	☐ Aye	☐ Nay
Councilwoman Jessica Reinhardt	☐ Aye	☐ Nay
Councilman Peter Robinson	☐ Aye	☐ Nay



Town of Newfane, New York

Sexual Harassment Prevention and Gender-Based Violence in the Workplace Policy

1. Policy Statement

The Town of Newfane (the “Town”) is committed to maintaining a workplace free from sexual harassment, discrimination, retaliation, domestic violence, sexual violence, stalking, and other forms of gender-based violence. This policy applies to conduct occurring in person, remotely, electronically, on Town premises, at work-related locations or events, or through Town equipment, systems, or communications. The Town will not tolerate conduct that violates this policy and will take prompt and appropriate action to investigate and address complaints, including interim protective measures where appropriate.

This policy is intended to meet or exceed the minimum standards of New York Labor Law § 201-g regarding sexual harassment prevention and the minimum standards of the New York State sexual harassment prevention model policy and training guidance and to satisfy the minimum requirements for a gender-based violence and workplace policy under New York State Finance Law § 139-m and Executive Law § 575(11). Where conduct constituting gender-based violence also constitutes sexual harassment, discrimination, or retaliation, Labor Law § 201-g and the New York State Human Rights Law (Executive Law § 296) govern. Nothing in this policy limits any rights, remedies, or obligations available under federal, state, or local law.

This policy applies to all Town employees, applicants for employment, seasonal employees, part-time employees, elected officials, appointed officials, Town Board members, volunteers, interns, contractors, vendors, consultants, and any other individuals conducting business with or on behalf of the Town or providing services in the Town’s workplace, to the extent permitted by law.

2. Equal Employment Opportunity

The Town prohibits discrimination and harassment based upon any protected characteristic under federal, state, or local law, including but not limited to:

- Sex, including sexual harassment, sex stereotypes, and pregnancy discrimination
- Gender
- Gender identity or expression
- Sexual orientation
- Pregnancy and related conditions
- Race
- Color
- National origin
- Religion or creed
- Age
- Disability
- Marital status
- Military or veteran status

- Citizenship or immigration status
- Predisposing genetic characteristics
- Familial status
- Status as a victim or survivor of domestic violence
- Prior arrest or conviction record, to the extent protected by law
- Reproductive health decision-making, to the extent protected by law
- Association or relationship with a member of a protected class, to the extent protected by law
- Any other classification protected by law

3. Sexual Harassment Prohibited

Sexual harassment is a form of unlawful discrimination and employee misconduct. Harassment need not be severe or pervasive to be unlawful, and intent is not a defense to a claim of harassment or discrimination. Harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment because of the individual's sex, gender, sexual orientation, gender identity, gender expression, pregnancy, pregnancy-related condition, or other protected characteristic. Conduct will be evaluated from the standpoint of a reasonable victim of discrimination with the same protected characteristic or characteristics. Petty slights or trivial inconveniences do not ordinarily constitute unlawful harassment, but employees and covered individuals are encouraged to report concerns before conduct becomes repeated, severe, or escalated. Employees and covered individuals are encouraged to report conduct they believe to be prohibited, even if they are unsure whether it rises to the level of a violation.

Sexual harassment includes unwelcome conduct based on sex, gender, sexual orientation, gender identity, gender expression, pregnancy, or related characteristics when:

- The conduct subjects an individual to inferior terms, conditions, or privileges of employment;
- Submission to such conduct is made a condition of employment;
- Submission to or rejection of such conduct affects employment decisions; or
- The conduct creates an intimidating, hostile, offensive, or abusive work environment.

Examples include, but are not limited to:

- Unwanted sexual advances;
- Requests for sexual favors;
- Pressure for dates, sexual contact, or romantic involvement;
- Sexual jokes, comments, or innuendo;
- Displaying sexually suggestive images;
- Unwanted touching;
- Sexual assault, coerced sexual acts, or attempted sexual assault;
- Repeated comments about appearance;
- Questions, comments, or rumors about an individual's sexual history, sexual activity, or intimate relationships;
- Sending sexually explicit emails, texts, or social media messages;
- Using Town equipment, email, phones, messaging systems, social media, or other electronic resources to engage in sexual or gender-based harassment;

- Gender-based insults or derogatory remarks;
- Intentional misuse of an individual's preferred name or pronouns; and
- Sex stereotyping or treating an individual differently because the individual does not conform to gender-based expectations.

Sexual harassment may occur between persons of any sex or gender and may occur in person, electronically, remotely, over virtual platforms or messaging applications, or at any work-related location or event.

Harassment on the basis of gender identity or expression, including the status of being cisgender, transgender, or non-binary, is a form of sexual harassment prohibited by this policy. Sexual harassment may be committed by or directed toward supervisors, subordinates, co-workers, elected officials, appointed officials, vendors, contractors, consultants, members of the public, or any other covered individual.

4. Bystander Intervention

All employees are encouraged to take action, where it is safe to do so, when they witness conduct that may violate this policy. Bystanders may interrupt the conduct, ask a third party for assistance, record or note what was witnessed, check in with the person who was harmed, or address the conduct directly with the person responsible. Nothing in this policy requires any employee to physically intervene, place themselves at risk, or take action that would compromise safety. Witnesses are encouraged to report prohibited conduct under Section 11 below.

5. Gender-Based Violence in the Workplace

The Town recognizes that domestic violence, sexual assault, stalking, dating violence, and other forms of gender-based violence can affect workplace safety, attendance, productivity, and employee well-being. Gender-based violence may be committed by a current or former intimate partner, family or household member, acquaintance, co-worker, supervisor, official, vendor, member of the public, or any other person. The conduct need not originate in the workplace to be covered by this policy if it affects or may affect the workplace, work-related communications, work schedules, Town property, Town operations, or employee safety.

For purposes of this policy, “gender-based violence” includes conduct such as:

- Domestic violence;
- Dating violence;
- Sexual assault;
- Stalking;
- Human trafficking;
- Coercive control;
- Technology-facilitated abuse, cyberstalking, or electronic monitoring;
- Threats or intimidation based upon sex or gender; and

Threats, harassment, intimidation, or violence connected to an individual's actual or perceived status as a victim or survivor of gender-based violence.

For purposes of this policy, “employee-survivor” means an employee who discloses or is known by the Town to be a current or former victim or survivor of domestic violence, sexual violence, stalking, dating violence, human trafficking, coercive control, or other gender-based violence.

The Town will make reasonable efforts to support employees affected by gender-based violence while maintaining workplace safety and operational needs. The Town will administer this policy in a survivor-centered, trauma-informed, and culturally responsive manner to the extent practicable and consistent with law, safety, and operational needs. The Town will not require an employee to report gender-based violence to law enforcement, obtain an Order of Protection, or access services as a condition of receiving information, referrals, or available workplace support.

6. Sharing Information

The Town will provide information regarding gender-based violence and the workplace where employees can see and access it. The Town will display, in a location accessible to employees, the New York State Domestic and Sexual Violence Hotline information (1-800-942-6906) and the New York State Gender-Based Violence and the Workplace poster. Where possible, materials will be made available in an employee's primary language.

7. Referral of Employee-Survivors to Services

The Town will refer any employee who discloses current or past status as a victim or survivor of gender-based violence to the New York State Domestic and Sexual Violence Hotline (1-800-942-6906) and/or a local service provider. The Town may also refer an employee to available local domestic violence, sexual assault, stalking, human trafficking, victim assistance, counseling, or legal services, as appropriate. While the Town will provide such referrals, an employee is not required to access services. The Town will not retaliate against, discipline, or otherwise treat an employee adversely because the employee accepts, declines, or later discontinues any referral or service.

8. Leave, Accommodations, and Compliance with Law

This policy will be administered in compliance with all applicable laws, including the New York State Human Rights Law, the Civil Service Law, applicable collective bargaining agreements, Town policies, and any other relevant laws and regulations. Employees who are known by the Town to be victims of domestic violence may request reasonable accommodations, including reasonable time away from work, for reasons related to domestic violence, unless providing the accommodation would impose an undue hardship. Such reasons may include obtaining medical attention, services from a domestic violence shelter or program, rape crisis services, psychological counseling, safety planning, relocation, legal services, assistance with prosecution, or participation in criminal or civil court proceedings.

Employees may use available accrued leave where permitted or required by applicable law, collective bargaining agreement, or Town policy. If paid leave is unavailable or inapplicable, leave may be unpaid where required as a reasonable accommodation. To the extent any statutory safe-leave requirement applies to a particular worker or circumstance, the Town will administer those rights in accordance with applicable law.

The Town will not require an employee to disclose confidential details of domestic violence, sexual violence, stalking, dating violence, human trafficking, or other gender-based violence except to the extent permitted by law and necessary to evaluate a request, address workplace safety, comply with legal obligations, or administer this policy.

9. Gender-Based Violence Confidentiality and Coordination

The Town will maintain information concerning an employee's status as a victim of domestic violence or gender-based violence as confidential to the extent required or permitted by law. Such information may be

disclosed where authorized by the employee, required by law, necessary to address a workplace safety concern, necessary to administer this policy, or otherwise necessary for legitimate Town operational, legal, or personnel purposes. The Town Supervisor or designee may coordinate referrals, safety measures, or accommodation requests as appropriate. Nothing in this policy creates a separate liaison position or requires the Town to provide counseling, advocacy, legal advice, security services, or services outside the Town's role as employer.

10. Workplace Safety Measures

When appropriate, the Town may implement workplace safety measures, including:

- Adjustments to work locations or schedules;
- Changes to telephone or email access;
- Security escorts;
- Coordination with law enforcement;
- Development of workplace safety plans;
- Enforcement of Orders of Protection;
- Emergency response procedures; and
- Coordination with the Town's workplace violence prevention program, safety procedures, and emergency response protocols, where applicable.

When practicable and safe, the Town will consult with the affected employee regarding workplace safety measures. The Town retains the right to take reasonable steps to protect employees, officials, members of the public, and Town operations.

Employees are encouraged, but not required, to notify the Town if they have obtained an Order of Protection that may affect workplace safety. An employee will not be disciplined or retaliated against for choosing not to disclose an Order of Protection, unless disclosure is independently required by law or necessary because of a direct workplace safety concern known to the employee.

11. Reporting Complaints

Any employee or covered individual who experiences or witnesses conduct prohibited by this policy should report it as soon as possible. Reports may be made verbally or in writing, including by use of the Complaint Form attached to this policy. Use of the Complaint Form is not required. A verbal complaint, email, text message, or other communication sufficient to alert the Town to possible prohibited conduct is enough to trigger review under this policy. Reports may be made to:

Town Supervisor, Town of Newfane, 2737 Main Street, Newfane, NY 14108

Alternate contacts include the Deputy Supervisor, the Town Attorney, any Department Head, or any elected Town official. Employees may bypass any individual involved in the complaint. Reports involving the Town Supervisor, a Department Head, an elected official, or any other designated contact may be made to any other uninvolved contact listed in this section.

Supervisors, Department Heads, managers, elected officials, appointed officials, and any other Town official with supervisory or managerial authority who receives a complaint, observes conduct, or otherwise becomes aware of or suspects conduct that may violate this policy must promptly report the matter to the Town Supervisor, Deputy Supervisor, Town Attorney, or another uninvolved designated Town official. They may not wait for a written complaint or for the affected individual to request action.

Knowingly making a false complaint or knowingly providing false information may result in corrective action, including termination. This does not mean that a complaint will be considered false merely because it cannot be substantiated.

12. Complaint Investigation Procedure

Upon receiving a complaint, or otherwise becoming aware of potential sexual harassment, discrimination, retaliation, or other conduct prohibited by this policy, the Town shall:

- Promptly acknowledge receipt of the complaint where the complainant is known;
 - Document verbal complaints to the extent practicable;
 - Conduct a timely, thorough, and impartial investigation;
 - Maintain confidentiality to the extent possible consistent with legal obligation, due process, and the need to conduct a fair investigation;
 - Preserve and review relevant evidence, including documents, electronic communications, messages, video footage, schedules, personnel records, and other relevant materials, where appropriate;
 - Interview witnesses and review relevant evidence;
 - Provide the complainant and the person accused of violating this policy an opportunity to identify relevant witnesses and evidence;
 - Consider interim measures, where appropriate, to protect the parties, witnesses, workplace safety, and Town operations while the matter is pending;
 - Provide due process to all parties;
 - Make findings based upon the facts; and
- Take corrective action when warranted.

The Town will complete its investigation as soon as possible and will keep the parties informed as appropriate. The Town will maintain a confidential written record of the complaint, investigation steps, findings, and any corrective action, to the extent required or appropriate under applicable law and Town recordkeeping rules. The Town will advise the parties when the investigation has been completed, consistent with confidentiality, due process, and applicable law.

13. Corrective Action

If a violation of this policy is substantiated, corrective action may include counseling, training, written reprimand, suspension, demotion, termination of employment, removal from appointment, referral to law enforcement, or other appropriate disciplinary measures, consistent with applicable law, Civil Service Law, collective bargaining agreements, due process requirements, and the legal status of the individual involved. Supervisors and managers who knowingly permit prohibited conduct to continue may also be subject to discipline. Corrective action may also be taken against elected officials, appointed officials, contractors, vendors, consultants, volunteers, or other covered individuals to the extent permitted by law and by the Town's contractual, statutory, or governance authority.

Corrective action may also be taken against any employee, official, contractor, vendor, or other covered individual who uses Town time, facilities, equipment, vehicles, electronic systems, work locations, work-related authority, or access to commit, threaten, assist, or facilitate sexual harassment, retaliation, domestic violence, sexual violence, stalking, or other gender-based violence.

14. Prohibition Against Retaliation

Retaliation is strictly prohibited. No employee shall be retaliated against for reporting a complaint, participating in an investigation, serving as a witness, opposing unlawful conduct, or requesting assistance related to gender-based violence. Retaliation may include discharge, discipline, schedule changes, undesirable assignments, threats, intimidation, harassment, exclusion, adverse treatment, or any other action that could discourage a reasonable person from reporting, participating in an investigation, opposing unlawful conduct, or requesting assistance. Discrimination or retaliation against any employee because the employee identifies as, or is perceived to be, a victim or survivor of gender-based violence is likewise prohibited. Any person engaging in retaliation shall be subject to disciplinary action or other corrective action, as appropriate and permitted by law.

15. External Rights and Remedies

In addition to the Town's internal procedures, employees may file complaints with external agencies, including:

New York State Division of Human Rights (the "Division"). The Division enforces the New York State Human Rights Law. For any act of discrimination occurring on or after February 15, 2024, a report or complaint generally must be filed with the Division within three (3) years of the most recent incident. For workplace sexual harassment claims occurring before that date, different deadlines may apply depending on the date and nature of the alleged conduct. Complaints may be initiated through the Division's reporting process, including by telephone or online submission.

United States Equal Employment Opportunity Commission (The "EEOC"). The EEOC enforces federal anti-discrimination laws and generally requires a charge to be filed within 300 days of the alleged conduct.

Employees may also seek relief through state or federal courts as authorized by law, and additional remedies may be available under applicable local laws. Filing an internal complaint with the Town does not extend any deadline for filing with an external agency (Division or EEOC) or court. Employees may contact the New York State Sexual Harassment Hotline at 1-800-427-2773 for assistance.

16. Employee Assistance and Community Resources

Employees affected by domestic violence, sexual violence, stalking, or other gender-based violence are encouraged to seek assistance through Employee Assistance Programs (if available), local domestic violence service providers, rape crisis centers, mental health professionals, law enforcement agencies, and victim assistance programs. The Town will provide information regarding available community resources, including the New York State Domestic and Sexual Violence Hotline (1-800-942-6906). The Town will also maintain or make available information regarding current local service providers, where available, and may update such resource information without formal amendment of this policy.

17. Implementation Support

The New York State Office for the Prevention of Domestic Violence ("OPDV") is available to assist the Town in developing and implementing this policy. The Town will provide information regarding this technical assistance to supervisors and human resources personnel, where available. OPDV may be contacted at workplace@opdv.ny.gov.

18. Training

The Town shall provide annual, interactive sexual harassment prevention training to all employees and officials that meets or exceeds the requirements of New York Labor Law § 201-g. Training shall include definitions of

sexual harassment, examples of prohibited conduct, complaint procedures, rights and remedies available under law, the responsibilities of supervisors, and information concerning gender-based violence and workplace safety.

New employees shall receive sexual harassment prevention training as soon as practicable after hire and annually thereafter. The Town shall maintain training records, including the date of training, participants, training method or materials, and proof of completion.

The Town is encouraged to provide gender-based violence awareness training to supervisors and human resources personnel.

19. Distribution

A copy of this policy shall be provided to all employees, elected officials, appointed officials, and Town Board members upon hire, appointment, or election, and annually thereafter. The policy shall also be provided to interns and other covered individuals where appropriate. The policy shall be made available in the workplace and included in employee handbooks and personnel materials as appropriate. The Town shall provide the policy in English and, where required by law, in an employee's primary language when a state-issued translation is available. Distribution may be made in hard copy or electronically, provided employees have access to the policy.

20. Acknowledgment

All employees shall acknowledge receipt of this policy in writing. Acknowledgment of receipt does not waive any employee's rights under this policy or applicable law. The Town shall retain acknowledgments in accordance with applicable recordkeeping requirements.



Town of Newfane – Complaint Form

This form may be used to report sexual harassment discrimination, retaliation, gender-based violence, or other conduct prohibited by the Town's Sexual Harassment Prevention and Gender-Based Violence in the Workplace Policy. You are not required to use this form; complaints may also be made verbally or by any other communication sufficient to alert the Town to possible prohibited conduct. Submit completed forms to the Town Supervisor or an alternate contact listed in the policy. Employees may bypass any individual involved in the complaint. Retaliation for filing a complaint, participating in an investigation, or requesting assistance is prohibited.

Name of person filing complaint: _____

Department / position: _____

Telephone / email: _____

Date of complaint: _____

Name of person(s) you believe engaged in the conduct:

Position/title relationship of person(s), if known:

Date(s) and location(s) of the conduct: _____

Names of witnesses, if any: _____

Are there any immediate workplace safety concerns or interim measures you are requesting?

Description of what happened (attach additional pages if needed):

Signature: _____ Date: _____