Gender-Based Violence and the Workplace Policy

The Village of Croton-on-Hudson

Last Revised: August 24, 2026

Purpose

Gender-based violence occurs within a broad spectrum of relationships; therefore, The Village of Croton-on-Hudson (the "Village") will take appropriate measures to prevent and/or address gender-based violence as it impacts the workplace. The Village recognizes the rights of victims to have self-determination and the need to respond in a survivor centered, trauma-informed, and culturally responsive manner. This policy shall apply to all victims of gender-based violence, regardless of where the incidents took place.

The Village to the fullest extent possible, without violating any existing rules, regulations, statutory requirements[1], contractual obligations, or collective bargaining agreements, designates and directs appropriate and authorized management, supervisory, and/or human resources staff to implement the following Gender-Based Violence and the Workplace Policy.

I. Definitions

Unless otherwise noted, the Office for the Prevention of Domestic Violence ("OPDV") defines the terms below for the purposes of this policy:

a. Gender-Based Violence: Violence or threats that happen because of someone's sex, gender, sexual orientation, gender identity or expression, or other related characteristics. Gender-based violence is an umbrella term that includes domestic violence, sex-based discrimination, sexual harassment, sexual assault, and sexual violence, and can also include stalking or human trafficking.

b. Domestic Violence: A pattern of coercive behavior, including acts or threatened acts, used by a perpetrator to gain power and control over a victim, as defined in New York State Social Service Law § 459-a, including, but not limited to physical, sexual, psychological, economic, and/or emotional abuse; or the threat of any of the acts as mentioned earlier. Domestic violence includes but is not limited to family violence, intimate partner violence, dating violence, or dating abuse.

[1] When gender-based violence constitutes sexual harassment, New York State Labor Law § 201-g and New York State Human Rights Law § 296 supersedes this policy. For more information on sexual harassment and New York State requirements, please visit the New York State Combatting Sexual Harassment in the Workplace website

c. Sexual Violence: Sexual acts or activities that happen or are attempted without consent, including rape, molestation, groping, harassment, and sexual abuse. These acts may or may not be crimes.

d. Stalking**:** An unwanted pattern of repeated harassing or threatening behavior, causing fear, substantial emotional distress, or safety concerns for the victim.

e. Coercive Control: An act or pattern of acts, threats, humiliation, and intimidation that is used to harm, punish, or frighten.

f. Sexual Harassment: Sexual Harassment is a type of gender-based violence. New York State law provides special protections against sexual harassment in the workplace. Under New York State Human Rights Law § 296 and Labor Law § 201-g, sexual harassment is defined as unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex, and:

   i. unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment; or
   ii. made, explicitly or implicitly, a term or condition of employment; or
   iii. when submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

   Anyone who experiences sexual harassment in the workplace is encouraged to report it to the Village Clerk. For more information regarding reporting sexual harassment in the workplace, please refer to the Village's sexual harassment prevention policy, which can be found in the Village's Employee Policy Manual on the Village website.

g. Survivor-Centered: An approach to supporting and assisting survivors focused on meeting their needs as they prioritize and define them. Key elements of a survivor-centered approach include confidentiality, safety, respect, and non-discrimination.

h. Trauma-Informed: An approach to supporting and assisting survivors that realizes trauma is common, recognizes the signs, activators, and symptoms of trauma, and uses this knowledge to inform practices, policies, and procedures.

i. Culturally Responsive: A holistic approach to supporting and assisting survivors that recognizes a person's complex identities and cultural values, by responding to differences in identities to actively meet the needs of all survivors and communities.

j. Victim of Domestic Violence: Pursuant to NYS Social Services Law § 459-a(1): Any person over the age of sixteen, any married person, or any parent

accompanied by his or her[2] minor child or children in situations in which such person or such person's child is a victim of an act which would constitute a violation of the penal law, including, but not limited to, acts constituting disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, kidnapping, assault, attempted assault, attempted murder, criminal obstruction of breathing or blood circulation, or strangulation, identity theft, grand larceny, or coercion; and

i. Such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and
ii. Such act or acts are or are alleged to have been committed by a family or household member.

k. "Family or household members" means the following individuals pursuant to NYS Social Services Law § 459-a(2):
   i. persons related by consanguinity or affinity (blood or a person's relation to blood relatives of their spouse);
   ii. persons legally married to one another;
   iii. persons formerly married to one another, regardless of whether they still reside in the same household;
   iv. persons who have a child in common, regardless of whether such persons are married or have married or have lived together at any time;
   v. unrelated persons who are continually or at regular intervals living in the same household or who in the past continually or at regular intervals lived in the same household;
   vi. persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time. Factors that may be considered in determining whether a relationship is an "intimate relationship" include, but are not limited to: the nature or type of relationship, regardless of whether the relationship is sexual in nature; the frequency of interaction between the persons; and the duration of the relationship. Neither a casual acquaintance nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute an "intimate relationship"; or
   vii. any other category of individuals deemed to be a victim of domestic violence as defined by the Office of Children and Family Services in regulation.

l. "Parent" pursuant to NYS Social Services Law § 459-a(2): means a natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

[2] New York State recognizes and affirms the diversity of New Yorkers. LGBTQIA+ people are covered under this definition provided they meet the criteria set forth.

m. Victim or Survivor: A person who has experienced or is experiencing any form of gender-based violence. People of all genders, sexual orientations, and gender identities may experience gender-based violence.

n. Perpetrator or Abusive Partner or Person who Causes Harm: A person who commits or threatens to commit coercive or violent acts, which may include, but is not limited to, physical, psychological, sexual, economic, and/or emotional abuse against a victim.

o. Order of Protection (OP) ("Restraining Order" or "Stay-Away Order"): An order issued by any court to limit the behavior of someone who harms or threatens to harm another person. Orders of Protection may direct the offending party not to injure, threaten, or harass the victim, their family, or any other person(s) identified and may include, but are not limited to ordering the person causing harm to stay away from the home, school, business, or place of employment of the victim; vacate a shared residence; abide by any active orders of custody and visitation; and surrender any firearms.

p. Workplace: For the purposes of this policy, any permanent or temporary location away from an employee's domicile where an employee performs any work-related duty in the course of employment.

q. Human Resources: The department of an organization responsible for workforce management. In the Village of Croton-on-Hudson, the Village Clerk's office is responsible for Human Resources.

r. Gender-Based Violence Liaison (GBVL): Designated employee(s) of the organization who assists victimized employees with referrals to local service providers. For purposes of this policy, the Village of Croton-on-Hudson has designated the Village Clerk to serve as the GBVL.

s. Local Service Providers: An organization in a given geographical area whose mission is to provide services to victims of gender-based violence. In New York State, each county has a designated service provider(s) for domestic violence and sexual violence. Services can include emergency shelter, advocacy, accompaniment to hospitals and court, safety planning, counseling, etc. Visit www.opdv.ny.gov for a list of New York State-based domestic and sexual violence service providers.

II. Persons Covered By This Policy

This policy shall extend to all full, part-time, temporary employees, volunteers, and interns working for the Village in any official work capacity.

III. Statement of Confidentiality

The Village recognizes and respects the employee's right to privacy and confidentiality. All information, including details an employee shares about being a victim, shall be kept confidential to the extent permitted by law without the employee's written permission, unless doing so creates a substantial risk of imminent danger to the victimized employee, other employees, or the worksite. If such a situation arises, the Village will reasonably endeavor to:

a. Inform the victimized employee of the actions the Village will take.
b. Share information only with the specific employees who need to know.
c. Limit the information shared to only what is necessary.
d. Remind employees who receive this sensitive information of the need to maintain confidentiality.

IV. Survivor Rights

Victims of domestic violence are a protected class under New York State Human Rights Law § 296, which applies to settings like employment, housing, education, and public accommodations. Every employer in the State of New York is required to follow the New York State Human Rights Law. This means it is unlawful to discriminate against an employee based on their status as a victim of domestic violence.

a. Employees have the right to:
    i. Disclose or not disclose experiences or details of gender-based violence.
    ii. Ask for reasonable accommodations to address concerns related to gender-based violence.
    iii. Be free of discrimination and retaliation in seeking such accommodation.
    iv. Access gender-based violence services.
b. The Village may require an employee to provide documentation, such as an attestation, to substantiate their need for an accommodation or to use leave time.

V. Employer Responsibilities

a. The Village shall implement the Gender-Based Violence and the Workplace policy. The Village has designated the Village Clerk to perform duties associated with implementing the policy. The Village has designated the Village Clerk as the Gender-Based Violence Liaison(s) (GBVL).]
    i. The GBVL is a designated employee who assists victimized employees with referrals to local service providers.
b. The Village will endeavor to increase awareness around gender-based violence and create an informed workforce by posting information in such places where employees can utilize the information without having to request it or be seen removing it (i.e. organization intranet, employee newsletters, restrooms, kitchen and lounge, and any other frequently used areas.) The information may include:

i. Employee Assistance Program (EAP) information
ii. Contact information for Village staff responsible for implementing this policy that have more information,
iii. NYS Domestic and Sexual Violence Hotline Number (1-800-942-6906), Chat and Text Line (1-844-997-2121), and
iv. Contact information for local gender-based violence programs.

c. The Village will endeavor to ensure victimized employees are aware of this policy and their rights, including all possible options available to them, and are aware of accommodations outlined in section VI of this policy.

d. The Village will endeavor to offer support to those victimized through the following minimum steps:

i. Provide information on available sources of services and assistance for victims and survivors, such as the New York State Domestic and Sexual Violence Hotline or local victim services provider.
ii. Educate employees on disciplinary practices that may be implemented in the event of retaliation for reporting or used with employees who commit acts of gender-based violence. Assist supervisors to ensure that all employees who knowingly violate this policy are held accountable.
iii. Include this policy as part of the written materials provided to all new employees and provide the policy to all employees on an annual basis.
iv. Provide a detailed explanation of employees' rights under this policy during new employee orientation, including information about anti-discrimination protections for victims of domestic violence under the New York State Human Rights Law. The Village will do so by providing a copy of this policy and other related policies upon hire to new employees.
v. Provide confidential support services, such as support with safety planning, and the Village will make reasonable efforts to refer anyone who discloses they are a victim to the EAP, the NYS Domestic and Sexual Violence Hotline (or the statewide hotline for workplace sexual harassment, if appropriate), and any local programs serving victims of domestic and sexual violence. Additional referrals may be made to the appropriate resources to meet the employee's needs best.
vi. The Village may also consider conducting programs and activities throughout the year to increase awareness about gender-based violence, such as supply drives for local domestic and gender-based violence programs, brown bag lunch discussions, and/or presentations by local gender-based violence programs. However, any programs or activities, if any at all, will be determined at the sole discretion of the Village.

e. Human Resources (and/or GBVLs) – The Village has designated the Village Clerk to be responsible for implementing this policy. Accordingly, the Village

Clerk will make good faith efforts to create a safe and supportive workplace culture for anyone who has experienced gender-based violence. They may do this by communicating that information and resources are available to victims and that abusive behavior by any employee will not be tolerated.

f. Supervisors – The Village's supervisors will make a good faith effort to ensure that any employee who discloses being a victim of gender-based violence is aware of and understands this policy and their rights, including the right to request accommodations or time off as discussed below. Additionally, supervisors will refer employees to the GBVL to receive referrals and resources as outlined above.

VI. Non-Discrimination and Responsive Personnel Policies

The Village maintains policies and procedures that prohibit discrimination against sex, gender, gender identity or gender expression, sexual orientation, and status as a victim of domestic violence. The Village will endeavor to provide responses that are trauma-informed, survivor-centered, and culturally responsive to victims' needs. Under the New York State Human Rights Law, all persons are protected from discrimination in the workplace on the basis of their status as a victim of domestic violence, and on the basis of sex, sexual orientation, gender identity, and gender expression. If such discrimination occurs, the employee can report it to the New York State Division of Human Rights for potential investigation and remediation. The Village also currently maintains the following policies as part of its commitment to increase stability of gender-based violence survivors and promote safety:

- Sexual Harassment Prevention Policy
- Unlawful Harassment Policy
- Workplace Safety/Violence Policy

a. Victims of domestic violence are a protected class under New York State Human Rights Law (Executive Law § 296(22)) and as such:
   i. Employers may not refuse to hire or license and may not terminate someone solely based on their status as a victim of domestic violence.
   ii. Employers may not discriminate against victims of domestic violence in compensation, terms, conditions, or privileges of employment.
   iii. Employers may not inquire about an applicant or employee's status as a current or past victim of domestic violence in any way that directly or indirectly expresses discriminatory treatment based on that status.
   iv. Employers may inquire about status as a victim of domestic violence to provide reasonable accommodations.
   v. Employers may not refuse to provide certain reasonable accommodations to an employee who is known by the employer to be a victim of domestic violence and who needs such accommodation to seek medical care and/or obtain certain services connected to an incident or incidents of domestic violence.

vi. Employers are prohibited from retaliating against an employee for opposing unlawful discrimination and/or filing a formal complaint over alleged discriminatory conduct.

b. **Use of Paid Leave**: Under New York State Law, employers in New York must allow any employee who has disclosed their status as a victim of gender-based violence (or disclosed that a family member is a victim of gender-based violence) and must be out of work for a reasonable time to use accrued paid leave ordinarily granted, where available, for the purposes as outlined in Executive Law § 296.
c. **Leave Options**: Employees can choose and/or be required to use appropriate leave accruals to cover any absences, if available. If the employee does not have adequate leave accruals to cover the absence or chooses not to charge leave accruals, the absence shall be treated as leave without pay.
d. **Continuation of Benefits**: Any employee who must be absent from work to utilize accommodations in this section is entitled to the continuation of any health insurance coverage provided by the employer to which the employee is otherwise entitled during any such absence, in accordance with any existing collective bargaining agreements, regulations, and Village policy.
e. **Notice of Absence**: Employees who must be absent to utilize accommodations as listed in this section shall provide the Village with reasonable advanced notice of the absence when possible.
f. **Time Off for Legal Proceedings**: Employers are also required to grant time off, with prior day notification, and may not penalize any employee who, as a victim or witness of a criminal offense, is appearing as a witness; consulting with a district attorney; or exercising their rights as provided by law.
g. **Changes to Benefits**: Employees who are victims of gender-based violence who separate from a covered family member due to incidents of gender-based violence will be allowed to make reasonable changes in benefits at any time during the calendar year, where possible and in accordance with statute, regulation, contract, and policy.
h. **Work Performance Impact**: The Village recognizes that victims of domestic and gender-based violence may experience temporary work performance difficulties or be unable to complete certain job aspects because of safety reasons. (Examples include overnight travel, “off” hour shifts, etc.)
    i. If performance is affected as a result of being a victim of gender-based violence, the Village will make reasonable efforts to work with the employee on solutions which may include specific work plans, taking leave, reasonable accommodations, referrals to the GBVL, EAP, and/or the local domestic violence service provider.
        1. Employees should be made aware that not all employees’ requests for assistance can be accommodated.
    ii. OPDV is available for case-specific technical assistance as needed.
    iii. The Village will endeavor to provide employees with clear information on performance expectations, priorities, and performance evaluations.

iv. If disciplinary action is considered, special care should be taken to consider all aspects of the victimized employee's situation, including efforts made to resolve the performance problems, including making a referral to the Village Clerk, EAP, domestic violence program, or other relevant services, consistent with existing collective bargaining unit agreements, statute, regulations, and organization policy.

i. **Termination and Unemployment Eligibility**: If reasonable measures have been exhausted and the work performance issue remains and the employee is terminated or voluntarily separates from employment, the employee shall be informed of their potential eligibility for unemployment insurance, and the Village will respond promptly to any requests for information that may be needed in the claims process. New York State law provides that a victim of domestic violence who voluntarily separates from employment may, under certain circumstances, be eligible for unemployment insurance benefits.

j. **Protection Against Sexual Harassment**: Sex, sexual orientation, gender identity, gender expression, and status as a victim of domestic violence are all protected classes under the New York State Human Rights Law. Sexual harassment is a form of sex discrimination and is also prohibited under the New York State Human Rights Law § 296 and Title VII, the Federal Civil Rights Act of 1964. Sexual harassment includes harassment based on sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Gender-based violence may constitute sexual harassment when it subjects an individual to inferior terms, conditions, or privileges of employment.
    i. The Village maintains a policy on sexual harassment prevention, including a procedure for the receipt and investigation of complaints of sexual harassment. This policy can be found in the Employee Policy Manual on the Village website.

k. **Reporting Discrimination or Harassment**: For all forms of discrimination and harassment, if an employee experiences sexual harassment or discrimination on the basis of their status as a victim of domestic or other gender-based violence, or observes discrimination in the workplace, the employee may file a complaint with the Village.
    i. Any complaint of potential discrimination, whether verbal or written, will be investigated.
    ii. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the Village Clerk.
    iii. The Village will maintain the confidentiality of the complainant to the extent practical.
    iv. More information regarding options for reporting harassment can be found in the Village's Sexual Harassment Prevention Policy.

VII. Non-Retaliation Policy

The Village will not engage in any retaliatory practices against employees who disclose they are a victim of gender-based violence, or any employee seeking accommodations or exercising their rights under this policy.

The Village will not retaliate, tolerate retaliation by any supervisors, terminate, or discipline any employees for reporting information about alleged incidents of gender-based violence that may have been committed by an employee, including those in management positions.

Retaliatory practices may include, but are not limited to:

a. Commencing discipline against victimized employees for actions taken to promote their safety
b. Fewer promotions
c. Inappropriate jokes
d. Comments that communicate bias or minimization
e. Excluding the employee from conversations, etc.
f. Discussing employee's status or experience in open/non-private settings with individuals other than the employee and the related staff (GBVL, HR, etc.).

Retaliation may be carried out by anyone, not just the original perpetrator.

Any employee or organization engaging in retaliatory practices may be subject to disciplinary actions. If you believe you have been subject to retaliatory practices, you are encouraged to report it to the Village Clerk. Please see Section XIV: Violations of Policy, for more information.

Retaliation against any employee who files a complaint of violation of the policy is also prohibited.

VIII. Workplace Safety Plans

Gender-based violence can lead to safety concerns at the workplace. Safety plans are simple but critical steps an employee can take to increase their safety and the safety of coworkers. While not all employee-survivors will need help with safety planning, the Village will be prepared to provide referrals to the local service provider and, when feasible, strategize with an employee-survivor if so desired by the victimized employee.

When requested by the victimized employee, the Village will have workplace safety response plans in place, including procedures for reporting to supervisors or contacting law enforcement, if necessary, should an event take place in the workplace. Employees are encouraged to work with the Village Clerk regarding development of the workplace safety response plan.

a. **Orders of Protection**: The Village will comply and assist with the enforcement of all known Orders of Protection (OP).

i. If requested by the victim or by law enforcement, the Village will provide any relevant information regarding an alleged OP violation.

b. **Disclosing an Order of Protection**: If an employee has an active OP, they are encouraged to disclose it to the GBVL or designated staff member at their work site. Employees will not be compelled to disclose an OP or provide a copy, but it may assist the Village in implementing a safety plan. Copies of Orders of Protection will be maintained in a secure, confidential location, separately from the employee's personnel file. In the event of an emergency or if the OP needs to be presented to law enforcement, the GBVL, other designated staff member, or a member of executive staff/management shall retrieve and present the order.
    i. Employees should notify the GBVL in the event of a relevant modification or revocation of the OP.

c. **Developing a Safety Plan**: When requested by the victim, the Village Clerkwill work with the employee to develop a plan on how best to increase safety for the victim, other employees, and the workplace. Options may include, but are not limited to:
    i. Providing front desk security or reception staff with a copy of any OP and a photo of the perpetrator;
    ii. Allowing the employee to work staggered hours, an "off shift," or move to a different work location, either temporarily or permanently;
    iii. Temporary reassignment of certain duties, such as overnight travel;
    iv. Reassignment of parking space;
    v. Providing employees with an escort for entry and exit from the worksite.

d. If the circumstances indicate a need for the Village to take steps to increase safety for the victim, other employees, and the workplace, the Village will follow its internal protocols and applicable policies.

IX. Accountability for Employees who Perpetrate Acts of Gender-Based Violence

The Village will hold accountable and shall subject to corrective or disciplinary action any employee who violates this policy, in accordance with existing collective bargaining agreements, applicable statutes, and regulations. The following behaviors are prohibited under the policy:

a. Using the authority of their employment and/or misusing any workplace resources in order to:

    i. negatively impact any victim of gender-based violence;
    ii. assist a perpetrator in locating a victim;
    iii. assist a perpetrator in perpetrating any act of gender-based violence; or
    iv. protect a perpetrator from receiving appropriate consequences.

b. Committing acts of gender-based violence from or at the workplace, or from any location conducting official business, except for locations where employees are telecommuting.

The Village may take appropriate interim action while an investigation into the reported conduct is pending. If, upon conclusion of the investigation, a violation of this policy is determined to have occurred, the Village will take appropriate remedial action against the perpetrator, including disciplinary action up to and including termination of employment.

Interim actions may include, but are not limited to:

a. Administrative leave pending investigation;
b. Temporarily removing/modifying the chain of supervision;
c. Temporary relocation of the employee alleged to have abused to another work site or workstation, if applicable;
d. Surrender of the Village provided equipment, including cell phone or laptop;
e. Removal from the worksite.

Remedial actions may include, but are not limited to:

a. Suspension;
b. Verbal or written warning (including directive to the employee to cease and desist the inappropriate conduct);
c. Removing/modifying the chain of supervision (either temporarily or permanently);
d. Relocation of the employee alleged to have abused to another work site or workstation, if applicable;
e. Demotion;
f. Completion of required training;
g. Removal from the worksite;
h. Termination.

X. Training

Gender-based violence can be complex. To effectively respond to employee-survivors' needs, the Village may provide or offer periodic training to the GBVL, and other members of management who will implement this policy.

XI. Firearms

Pursuant to New York State and Federal law, any person convicted of a domestic violence-related crime, or who is subject to any Order of Protection, forfeits the right to legally possess a firearm or long gun under certain circumstances.

Additionally, federal law contains prohibitions relating to shipping, transportation, or receiving firearms or ammunition.

In addition to complying with State and Federal law, employees who are authorized to carry a firearm as part of their job-related duties are required to notify the Village if they are arrested for a domestic violence-related offense and/or are served with an Order of Protection. Under certain circumstances, such employees are responsible for surrendering their firearms to the issuing organization or to the appropriate police organization.

Should an employee fail to comply with the above-listed requirements of this policy, they will be subject to corrective or disciplinary action, under existing collective bargaining unit agreements, statute, or regulations. In addition, law enforcement may be notified of possible criminal action.

XII. Violations of Policy

The Village will investigate complaints of policy violations. Concerns or suspected violations of this policy should be reported to the Village Clerk. As explained in greater detail in, Section VIII of the policy, the Village prohibits retaliation for filing a complaint.

Employees may also report alleged violations of the New York State Human Rights Law to the New York State Division of Human Rights (DHR). DHR is the state agency responsible for enforcing the New York State Human Rights Law. DHR reviews every report of discrimination filed with the agency. In every case where the alleged discrimination falls within the agency's jurisdiction, DHR will investigate and seek to hold violators of the law accountable. The discrimination reporting form and all related information can be found on DHR's website.