

Unlawful Discrimination and Harassment

This Policy reaffirms Newmeadow's (Newmeadow, Inc.) commitment to providing employment opportunities free from unlawful discrimination and harassment on the basis of race, creed, color, religion, national origin, sex (including sexual harassment), sexual orientation, gender, transgender status, age, disability, predisposing genetic characteristics, arrest or conviction record, marital status, familial status, military status, domestic violence victim status, or any other basis prohibited by law.

Scope of Policy

This Policy applies to all applicants for employment, current employees, interns, whether paid or unpaid, contractors, and persons conducting business with the Agency, regardless of immigration status. In the remainder of this document, the term "employees" refers to this collective group of individuals.

Policy Objectives

By adopting and publishing this Policy, it is our intention to: (1) notify all employees about our commitment to providing equal employment opportunities; (2) prevent all forms of discrimination against any applicant for employment or employee; and (3) provide simple, clear, and efficient complaint and investigation procedures to all employees who honestly believe they have been subjected to prohibited discrimination, including sexual harassment.

Definitions

1. **Protected Traits.** This term includes an individual's race, creed, color, religion, national origin, sex (including sexual harassment), sexual orientation, gender, transgender status, age, disability, predisposing genetic characteristics, arrest or conviction record, marital status, familial status, military status, domestic violence victim status, or any other trait protected by law.
2. **Prohibited Employment Discrimination.** Prohibited Employment Discrimination can take the form of adverse employment actions which are based upon an employee's protected traits. Prohibited discrimination of employees, can also take the form of prohibited harassment, even where there is no tangible adverse employment action. (Prohibited Harassment is defined below).
3. **Prohibited Harassment.** Harassment can constitute a form of prohibited discrimination under this Policy if it is unwelcome and has the effect of making an employee feel uncomfortable while at work or otherwise creates a hostile working environment. Such harassment of employees is prohibited by this policy if it is based upon any protected trait. Harassment of employees based on sex, which is called "**sexual harassment**," is also specifically prohibited by this policy.
4. **Sexual Harassment.** Sexual harassment can include unwelcome conduct which is either of a sexual nature or which is directed at an individual because of that individual's sex when:
 - o Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive

work environment, even if the reporting individual is not the intended target of the sexual harassment;

- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

While it is impossible to provide an exhaustive list of examples of behaviors that could constitute sexual harassment, sexual harassment as a form of prohibited discrimination can take the form of the following types of behavior which are strictly prohibited:

- 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;
 - Rape, sexual battery, molestation, or attempts to commit these assaults.
- Unwanted sexual 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 or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- 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.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender, such as:
 - Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work.

Supervisory Responsibility

All supervisors who receive a complaint that this policy may have been violated, receive information about a potential violation of this policy, observe behavior that could amount to a potential violation of this policy, or for any reason suspect that conduct is occurring that may violate this policy, are **required** to report such conduct immediately to the Director of Corporate Compliance and Quality Assurance (identified below). Supervisors who engage in conduct that violates this policy, or fail to report suspected violations of this policy may be subject to discipline,

up to and including the termination of their employment. Supervisors will be subject to discipline for engaging in any retaliation prohibited by this Policy.

Policy Enforcement

- **Complaint Procedure:**

- **Notification Procedure**

We encourage any employee who in good faith believes they are being subjected to prohibited discrimination/harassment, to clearly and promptly notify the offender that his/her behavior is unwelcome. If for any reason an employee is uncomfortable confronting the offender directly, or if such a confrontation does not successfully end the discrimination/harassment, the employee should file a complaint with the Director of Corporate Compliance and Quality Assurance (identified below).

NOTE: Confronting the offender is NOT a prerequisite to filing a complaint. All employees and applicants for employment have the right to file a good faith complaint without first communicating with the offender.

All employees filing a complaint will be expected to cooperate with our investigation procedures.

- **Making a Complaint**

All employees are encouraged to use our "Complaint of Alleged Discrimination and Harassment" form to report a potential violation of this policy (a copy of which appears at the end of this Employee Handbook). However, filing a written complaint is not required under this policy. Employees may make a verbal complaint of a potential violation of this policy to their immediate Director or the Director of Corporate Compliance and Quality Assurance. Complaints may also be made via the online reporting form which can be found on our website.

- **Time for Reporting a Complaint**

Prompt reporting of all complaints is strongly encouraged. All employees should be aware that appropriate resolution of discrimination/harassment complaints and effective remedial action oftentimes may be possible only when complaints are promptly filed. Furthermore, complaining parties should be aware that statutes of limitations may constrain the time period for instituting legal actions outside of this Policy.

- **Confidentiality and Privacy**

In recognition of the personal nature of discrimination/harassment complaints and the emotional impact of perceived discrimination, we will attempt to maintain the confidentiality of all complaints and investigations. For the protection of all

employees who make a complaint or are accused of prohibited discrimination/harassment, every witness interviewed during an investigation under this Policy will be advised of this confidentiality requirement and instructed not to discuss the complaint, the investigation, or the persons involved. To the extent a complaint made under this Policy implicates criminal conduct, we may be required by law to contact and cooperate with the appropriate law enforcement authorities.

- **Acknowledgment of Complaints**

Within five (5) calendar days of receiving a written complaint, the Director of Corporate Compliance will attempt to contact the employee who filed the complaint to confirm that a complaint has been received. If an employee does not receive such confirmation within five (5) days of filing their complaint they are encouraged to contact the Director of Corporate Compliance and Quality Assurance for confirmation.

- **Timing of Investigations**

We will promptly investigate all allegations of discrimination in a confidential manner. We will attempt to complete investigations under this Policy within thirty (30) calendar days of receipt of the initial complaint, or sooner if practical. However, the length of the investigation will depend upon the particular circumstances of each complaint and may, therefore, take longer than 30 days to complete.

- **Method of Investigation**

Investigations will be conducted by the Executive Director, Director Corporate Compliance and Quality Assurance, our legal counsel, and/or other impartial persons designated by Executive Director. The primary purposes of all investigations under this Policy will be to determine: (1) Did the conduct complained of occur; (2) Did the conduct complained of violate this Policy; and (3) What remedial or preventative steps are recommended? Our investigators should pursue every reasonable step to investigate each complaint thoroughly and comprehensively while at the same time minimizing the disruption of normal business. The type of investigative techniques utilized will depend upon the nature of the complaint. Any notes, memoranda, or other records created by our employees or agents conducting an investigation under this Policy, shall be deemed confidential and privileged.

- **Notification to Complaining Party**

Within ten (10) days of the completion of the investigation of a complaint, the Executive Director and the Director of Corporate Compliance and Quality Assurance, shall notify the complainant of the outcome of the investigation. While reasonable efforts will be made to inform the complaining party about the outcome

of the investigation, we will nonetheless consider the privacy rights of all parties involved in disseminating information regarding the investigation.

Within fifteen (15) days of the completion of the investigation of a complaint, the Executive Director and the Director of Corporate Compliance and Quality Assurance, shall notify the person accused of violating this Policy, whether a violation of this Policy was found.

- o **Remedial Measures**

While disciplinary action, up to and including discharge, may be appropriate in certain instances, punitive or disciplinary measures are not the exclusive or primary means for responding to prohibited discrimination/harassment. Any employee who is found to have engaged in prohibited discrimination or conduct which may be prohibited by this Policy may receive education, training, counseling, warnings, discipline, or other measures designed to prevent future violations of this Policy. Any third party (vendors, visitors, volunteers, etc.) found to have engaged in discrimination/harassment of an employee may be barred from our property.

Prohibition Against Retaliation and Abuse of the Policy

All employees are assured that the Agency will not retaliate against any employee who files a discrimination complaint in good faith. Retaliation is a very serious violation of this Policy and should be reported immediately. Any employee found to have retaliated against an employee due to their good faith reporting of discrimination/harassment under this Policy will be deemed to have violated this Policy and may be subject to disciplinary action, up to and including the termination of employment.

Abuse of this Policy by filing a false or “strategic” complaint, which the complaining party knows to be false at the time that it is filed or thereafter, will also be considered a violation of this Policy.

Legal Protections and External Remedies

Unlawful discrimination and harassment are not only prohibited by the Agency, but are also prohibited by state, federal, and, where applicable, local law. Aside from our internal process, employees 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 seek the legal advice of an attorney. In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to unlawful discrimination and harassment, and protects employees, paid or unpaid interns, and non-employees, regardless of immigration status. A

complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed an HRL complaint in state court. Complaining internally does not extend your time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate your complaint and determine whether there is probable cause to believe that unlawful discrimination or harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If unlawful discrimination or harassment is found to have occurred after a hearing, DHR has the power to award relief, which varies but may include requiring the Agency to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees, and civil fines.

DHR's main office contact information is NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov. Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized, and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

The U.S. Equal Employment Opportunity Commission (EEOC)

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights, the Americans with Disabilities Act, and the Age Discrimination in Employment Act. An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. 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 DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city, or town in which they live to find out if such a law exists. If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Compliance Officer

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