Non-Discrimination/Anti-Harassment Policy & Complaint Procedure

Policy Statement:

Empowering People's Independence (EPI) is committed to a work environment in which all employees, volunteers, contractors, subcontractors, interns, vendors, and customers/guests are treated with respect and dignity. Each person has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, EPI expects that all relationships among employees, individuals/participants, volunteers, contractors, subcontractors, interns, vendors, and customers/guests, will be business-like and free from explicit bias, prejudice, and harassment.

EPI has developed this policy to ensure that everyone can work in an environment free from unlawful harassment, discrimination, and retaliation. EPI will make every reasonable effort to ensure that all concerned are familiar with this policy and are aware that any complaint of a violation of this policy will be investigated and resolved promptly and appropriately.

Anyone who has questions or concerns about this policy should talk with the EVP & Chief Human Resources Officer or a member of the Human Resources management team.

These policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities, discussions, or opportunities. In other words, no one should make the mistake of engaging in discrimination or exclusion to avoid allegations of harassment. The law and the policies of EPI prohibit disparate treatment based on sex or gender, or any other protected characteristic, with regard to terms, conditions, privileges, and perquisites of employment. The prohibitions against harassment, discrimination, and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

Individuals who engage in prohibited harassment, or who assist others in doing so, may have personal liability for their conduct under New York State law.

Equal Employment Opportunity (EEO)

It is the policy of EPI to ensure equal employment opportunity without discrimination or harassment on the basis of race (including hairstyle/texture), color, religion, creed, sex (including pregnancy, childbirth, or related condition), sexual orientation, gender identity or expression (including transgender status), age, disability, marital status, citizenship, national origin or ancestry, military or veteran status genetic information, familial status, arrest record, non-disqualifying criminal conviction, status as a victim of domestic violence, or any other characteristic or status protected by law. EPI prohibits any such discrimination or harassment.

Retaliation

EPI encourages prompt reporting of all perceived incidents of discrimination or harassment. EPI will promptly and thoroughly investigate such reports. EPI prohibits retaliation against any individual who reports discrimination or harassment or who participates in an investigation of such reports or supports another individual's complaint.

Sexual Harassment

Sexual harassment is a form of discrimination and is illegal under federal, state, and local laws. For the purposes of this policy, "sexual harassment" includes harassment on the basis of biological sex (including pregnancy, childbirth, and related medical conditions), gender identity or expression (including transgender status), sexual orientation, and sex stereotyping.

"Sexual harassment" includes unwelcome conduct that is either: (1) of a sexual nature, or (2) directed to an individual because of that individual's sex, gender identity or expression, and/or sexual orientation when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment (i.e., the individual must submit to become employed or to remain employed), or
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual (such as wage rates, assignments, promotions, etc.), or
- the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment, or
- the conduct rises above what a reasonable person with the same protected status(es) would consider to be "petty slights or trivial inconveniences."

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different sex or gender. Sexual harassment can be verbal (including slurs, jokes, insults, epithets, noises, gestures, or teasing), visual (including offensive memes, symbols, cartoons, drawings, computer displays, text messages, social media posts, or e-mails) or physical conduct (including physically threatening another) that denigrates or shows hostility or aversion towards an individual on the basis of sex, gender identity or gender expression, and/or sexual orientation. Such conduct violates this policy, even if it is not unlawful.

Conduct that violates this policy may include:

- unwanted sexual advances or requests for sexual favors;
- sexual jokes and innuendo;
- verbal abuse of a sexual nature;
- commentary about an individual's body, clothing, sexuality, or sexual prowess or experience;
- leering, whistling, or unwanted touching (including kissing, hugging, pinching, etc.);
- stalking or blocking normal movements;

- insulting, suggestive, or obscene comments, gestures, or noises;
- display in the workplace of sexually suggestive objects or pictures;
- sexually-explicit emails, text messages, social media posts, or voice mails;
- conversation about one's own or someone else's sex life;
- sex stereotyping – making comments or taking actions based on the view that a person's conduct, dress, or personality traits are not appropriate because they do not conform to other people's ideas or perceptions about how individuals of a particular sex should look or act;
- conduct, comments, or hostile actions consistently targeted at only one sex or gender or because of the person's gender or gender identity or expression, even if the content is not sexual,
- making unwelcome or repeated requests for dates or other social engagements,
- rape, sexual assault, or coerced sexual acts, or attempts to commit these assaults;
- 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 or engaging in "pranks" against the individual; bullying, yelling, or name-calling; or other similar conduct,
- other physical, verbal, or visual conduct of a sexual nature or directed to someone because of their sex, gender, or sexual orientation.

These are examples only. EPI will not tolerate any form of sexual harassment.

Other Harassment

Harassment on the basis of any other protected characteristic is also strictly prohibited. Harassment is a form of unlawful discrimination. Under this policy, "harassment" is verbal, written, or physical conduct that denigrates or shows hostility or aversion toward an individual because of the individual's race, color, religion, creed, national origin or ancestry, age, disability, marital status, citizenship, military or veteran status, genetic information, familial status, status as a victim of domestic violence, or any other characteristic protected by law and that:

- has the purpose or effect of creating an intimidating, hostile, or offensive work environment, or
- has the purpose or effect of unreasonably interfering with an individual's work performance, or
- the conduct rises above what a reasonable person with the same protected status(es) would consider to be "petty slights or trivial inconveniences."

Harassing conduct includes:

- verbal conduct (for example, epithets, slurs, derogatory nicknames, negative stereotyping, "bullying," "teasing," or derogatory "jokes"),

- physical conduct (for example, assault or other inappropriate physical contact, physical intimidation, stalking, impeding movements, or confinement),
- visual conduct (for example, displaying derogatory posters, cartoons, graffiti, objects, drawings, or computer or cell phone images, making derogatory gestures, or written or graphic material that denigrates or shows hostility or aversion toward an individual or group),
- online conduct (for example, derogatory statements or hostile postings on social networking sites, such as Facebook, X, Instagram, Snapchat, TikTok, etc., using company equipment such as computers, voice mail, text messages, or other communication systems to make derogatory or threatening comments),
- threatening conduct (for example, engaging in threatening, intimidating, or hostile acts; displaying threatening gestures or objects; taking hostile actions against an individual because of that individual's protected status, such as interfering with or sabotaging the individual's work, engaging in "pranks" against the individual, yelling or name-calling, or other similar conduct).

These are examples only. EPI will not tolerate any form of harassment.

Individuals and Conduct Covered

This policy applies to all applicants and employees, at all levels of the organization (including supervisors, managers, directors, and officers), whether related to conduct engaged in by fellow employees or by someone not directly connected to EPI (e.g., an outside vendor, consultant, contractor, subcontractor, volunteer, or customer/guest). Individuals who are not EPI employees are expected to comply with the standards and requirements of this policy.

Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.

Responsibilities of All Employees

EPI cannot prevent or remedy harassment or discrimination unless it knows about it. All employees, paid or unpaid interns, and non-employees who have a complaint about workplace conduct or interaction with others – including behavior that may constitute harassment – are encouraged to report the offending conduct as soon as possible. Prompt reporting allows EPI to investigate while the facts are still fresh and to take prompt corrective action, when appropriate. Prompt reporting also avoids escalation of the behavior or expansion of the behavior to others.

Sometimes offensive conduct is unintentional: an attempt to be humorous may fall flat; conduct is perceived as "too friendly;" the speaker may be unaware of cultural, generational, or religious differences, etc. In these instances, employees who feel comfortable doing so may advise the offending party that their behavior is unwelcome or offensive and ask that the conduct stop. Often this action alone will resolve the problem. EPI recognizes, however, that an individual may prefer to pursue the matter through the complaint procedures in this policy. These procedures are always available (whether in addition to or instead of speaking to the other individual directly). Employees

are encouraged to use formal channels whenever they feel it is appropriate to do so. Employees will never be required to handle a problem themselves.

Responsibilities of Leaders

It is the responsibility of each leader (supervisor, manager, director, and officer) to help ensure a harassment-free workplace. A leader who receives a report of possible harassment or discrimination, or who knows or suspects that harassment or discrimination may be occurring, must take appropriate action as outlined in this policy.

Any leader who observes conduct that could be considered harassment **must** ensure that the conduct stops immediately and **must** immediately meet with a Human Resources manager to report the conduct for follow-up. This obligation to stop and report offending conduct covers behavior engaged in by other leaders, by non-supervisory employees, and by non-EPI employees such as volunteers, contractors, consultants, family members, and guests.

Any leader who receives a complaint or report of harassment or who otherwise learns of or suspects a violation of this policy **must** report the matter immediately to a Human Resources Manager. Leaders should not attempt to investigate complaints themselves. If the complaint is about a Human Resources leader, the report should be made to the President and CEO.

Leaders must always be role models of appropriate workplace behavior. Any leader who engages in harassment, discrimination, or retaliation, who allows such behavior to continue, or who fails to report such behavior by others will be disciplined, up to and including termination of employment.

Leaders may never retaliate against employees or others for opposing discrimination or harassment, for making a report of discrimination or harassment, or for supporting someone else's report or complaint. Retaliation is a very serious matter and will result in disciplinary action, up to and including termination.

Reporting an Incident of Harassment, Discrimination or Retaliation

EPI encourages reporting of all perceived incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Individuals who believe that they have experienced conduct that violates this policy should report their concerns to any member of the Human Resources management team or a member of senior leadership- ***See the complaint procedure described immediately below.***

Complaint Procedure

Individuals who believe they have experienced conduct prohibited by this policy or believe they have witnessed such conduct directed to others should promptly bring this matter to the attention of EPI. The organization cannot correct conduct it is not aware of.

Individuals can raise concerns by any of the following methods:

- Calling the *Direct Access Anonymous Tip Hotline 24/7 @ 1.856.494.3151 and entering PIN #5014*
- Contacting a member of the Human Resources management team by emailing to hrteam@epiny,org.
- Completing the written complaint form attached to this policy and submitting it to Human Resources at hrteam@epiny,org.
- Meeting with a member of the senior leadership team.

EPI encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. EPI will strive to complete the investigation as promptly as possible, consistent with the responsibility to conduct a thorough and fair investigation.

The investigation generally will include individual interviews with the parties involved. As necessary, EPI may conduct additional interviews with individuals who may have observed the alleged conduct or may have other relevant knowledge. All individuals are required to cooperate in all investigations conducted pursuant to this policy.

An investigation also may include the review of documents or other relevant information, including electronic communications, video, and/or phone records. Any written documentation of the investigation will be kept in a secure and confidential location.

EPI will maintain confidentiality throughout the investigatory process to the greatest extent possible, consistent with adequate investigation and appropriate corrective action.

Resolution

Upon completion of the investigation, EPI will determine whether this policy has been violated based upon its reasonable evaluation of the information gathered during the investigation. EPI will inform the complainant and the accused of the results of the investigation.

EPI will take corrective measures against any person found to have engaged in conduct that violates this policy, if EPI determines such measures are necessary. Depending on the facts and circumstances, corrective measures may take the form of coaching, training, counseling, or disciplinary action such as a formal warning, reassignment, temporary suspension without pay, or termination, as EPI believes appropriate under the circumstances. EPI will take appropriate action if a non-employee is found to have violated this policy.

If a party to a complaint does not agree with its resolution, that party may appeal to the President and CEO, whose determine is final.

Retaliation

Retaliation against individuals for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.

Acts of retaliation should be reported immediately in the same manner as a report of discrimination or harassment (see above). Reports of retaliation will be promptly investigated and addressed.

“Retaliation” means “adverse conduct” taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described above.

“Adverse conduct” includes but is not limited to:

- any action that would discourage the employee from reporting harassment or retaliation;
- shunning and avoiding an individual who reports harassment or retaliation;
- express or implied threats or intimidation intended to prevent an individual from reporting harassment or retaliation; and
- denying employment benefits because an applicant or employee reported or encouraged another employee to report harassment or retaliation or participated in the reporting and investigation process described below.

These actions need not be job-related or occur in the workplace to constitute retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media because they have reported or opposed discrimination or participated in an investigation of possible discrimination 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 (if usually provided) 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 promotion, or moving an individual's work area to a less desirable office location.

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 has a good faith belief that the practices were unlawful. This policy is not, however, intended to protect maliciously false charges of harassment.

Legal Protections and External Remedies

EPI's internal complaint procedures are intended to be an easily accessible and confidential way to correct any instances of harassment, discrimination, or other inappropriate behavior. Individuals who wish to do so may choose to pursue external legal remedies by contacting the following governmental entities:

- *New York State Division of Human Rights*: A complaint alleging violation of the New York State Human Rights Law ("HRL") may be filed either with the Division of Human Rights ("DHR") or in state court. The DHR will investigate the complaint and determine if there is probable cause to believe that discrimination occurred. The DHR can conduct hearings on probable cause determinations and award civil remedies, such as orders requiring that the harassment cease and/or monetary damages. Complaining internally to EPI does not extend the time to file a complaint with the DHR or in court. The DHR's Rochester office is located at One Monroe Square, 259 Monroe Avenue, Suite 308, Rochester, New York 14607. The DHR's website is: www.dhr.ny.gov. The DHR's sexual harassment hotline is 1-800-HARASS3 (427-8773).

- *United States Equal Employment Opportunity Commission*: A charge alleging violation of Title VII of the Civil Rights Act of 1964 ("Title VII") may be filed with the Equal Employment Opportunity Commission ("EEOC"), which will investigate the charge and determine if there is reasonable cause to believe that discrimination has occurred. The EEOC does not hold hearings or award relief but may take other action in certain cases, including pursuing cases in federal court on behalf of charging parties. Individuals may obtain relief in mediation, settlement, or conciliation. The EEOC's Buffalo office is located at 300 Pearl Street, Buffalo, New York 14202. The EEOC can be contacted 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.

- *Other Local Protections*: Many localities enforce laws protecting individuals from sexual harassment and discrimination. Individuals should contact the county, city, or town in which they live to find out if such a law exists.

- *Local Police Department*: If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. The individual involved should consider contacting the local police department.

Remember, EPI cannot stop any claimed harassment (including sexual harassment) or retaliation unless management knows about it. Please report any conduct that concerns you as soon as possible, so that EPI may investigate and address the situation.

Maliciously False Complaints

EPI expects all employees and others performing services at EPI to be treated with fairness, dignity, and respect. EPI considers workplace harassment, discrimination, or other similar behavior to be a very serious matter and expects employees to take this matter seriously as well.

Accordingly, anyone who misuses this policy and process by *knowingly and intentionally* making a maliciously false accusation of harassment or other similar conduct as a way of harming, embarrassing, or retaliating against someone else will be subject to disciplinary action.

All complaints made in good faith will be protected even if investigation does not find that EPI policy has been violated.

Exhibit A

HARASSMENT COMPLAINT FORM

If you believe that you have been subjected to harassment that is prohibited under EPI's Non-Discrimination/Anti-Harassment Policy, you are strongly encouraged to complete this complaint [1]form and submit it to Esther Neal, Executive Vice President & Chief Human Resources Officer, at eneal@epiny.org, Andy Gitsis, Human Resources Director, at agitsis@epiny.org or hrteam@epiny.org. **You will not be retaliated against for filing a complaint in good faith.**

COMPLAINANT INFORMATION

Name:

Work Address: Phone:

Job Title: Email:

Select Preferred Communication Method: ☐Email ☐Phone ☐In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone: Work Address:

COMPLAINT INFORMATION

1. Your complaint of harassment is made about:

   Name: Title:
   Work Address: Work Phone:
   Relationship to you: ☐Supervisor ☐Subordinate ☐Co-Worker ☐Other

2. Please describe what happened and how it is affecting you and your work. ***Please use additional sheets of paper if necessary and attach any relevant documents or evidence.***

[1] *Complaint form can also be found on EPiCenter→HR→Forms*

3. Date(s) harassment occurred:

   Is the harassment continuing? ☐ Yes ☐ No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional but may help the investigation.

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

By signing below, I hereby certify that the facts and information I provided on this form, and in connection with any documentation that I submitted with this form, are complete, true, and accurate.

Signature: _____ *Date:* _____

As a reminder: Please submit to Esther Neal, Executive Vice President & Chief Human Resources Officer, at eneal@epiny.org, Andy Gitsis, Human Resources Director, at agitsis@epiny.org., or hrteam@epiny.org. ***You will not be retaliated against for filing a complaint in good faith.***