

# RISING TREETOPS AT OAKHURST

## Harassment Policy

It is Rising Treetops at Oakhurst's policy to maintain a work environment in which all individuals are treated with respect and dignity. Every employee has the right to work in a professional atmosphere free from discriminatory practices, including sexual harassment and harassment. Harassment, whether verbal, physical, or environmental, is illegal (in certain instances), unacceptable and will not be condoned or tolerated by Rising Treetops at Oakhurst.

This policy is intended to educate all Rising Treetops at Oakhurst employees and others performing work on behalf or on the property of Rising Treetops at Oakhurst about what may constitute harassment and to establish a procedure that encourages anyone who feels that they have experienced harassment to report such conduct to representatives of Rising Treetops at Oakhurst, who will investigate and respond. In addition to receiving this policy, all staff who work for 80 hours or more in a given calendar year must also complete an interactive training, either in person or by computer.

### Individuals Covered by This Policy

This policy covers all Rising Treetops at Oakhurst affected individuals, including employees, directors and officers of the Board of Directors, volunteers and related parties including contractors, subcontractors, independent contractors, vendors and consultants, where relevant, as well as applicants for employment, interns (whether paid or unpaid), and program participants whether or not they are on Rising Treetops at Oakhurst premises, provided that they are conducting Rising Treetops at Oakhurst-related business or are participating in Rising Treetops at Oakhurst-sponsored events or functions. Any type of harassment whether conducted by Rising Treetops at Oakhurst employees, supervisors, volunteers, or non-employees with whom an employee comes into contact in the course of employment (e.g., clients, service providers, contractors) violates this policy and will not be tolerated. Rising Treetops at Oakhurst encourages the reporting of all incidents of harassment, regardless of who the offender may be.

### Harassment

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion towards an individual because of his or her gender, religion, race, creed, color, national origin, citizenship status, alienage, age, handicap, disability, marital status, partnership status, sexual orientation, gender identity, domestic violence victim status, military status, unemployed status, or any other status protected by law (the "**Protected Categories**") or that of persons with whom the individual associates. For example, racial harassment includes harassment based on an immutable characteristic associated with race (e.g., skin color or facial features), religious harassment may include demands that an employee alter or renounce some religious belief in exchange for job benefits and sexual harassment is defined more specifically below.

**Protected Categories include any category protected by law, including gender, religion, race, creed, color, national origin, citizenship status, alienage, age, handicap, disability, marital status, partnership status, sexual orientation, gender identity, domestic violence victim status, military status and unemployed status.**

Rising Treetops at Oakhurst prohibits behavior that is based on a person's membership in any of the Protected Categories and (a) has the purpose or effect of creating an intimidating, hostile, or offensive work environment, (b) has the purpose or effect of unreasonably interfering with an individual's work performance or (c) otherwise adversely affects an individual's employment opportunities.

Regardless of whether any single instance of improper behavior (as described below) rises to the level of harassment prohibited by law, it is Rising Treetops at Oakhurst's policy that such behavior is inappropriate and offensive, and it will not be tolerated. Examples of improper behavior that violate this policy and may constitute harassing conduct include, but are not limited to:

- epithets, slurs, quips, or negative stereotyping that relate to a person's membership in any of the Protected Categories;
- threatening, intimidating, physical assaults or hostile acts that relate to a person's membership in any of the Protected Categories;
- written or graphic material or objects (including graffiti) that denigrates or shows hostility or aversion toward an individual or group because of their membership in any of the Protected Categories, and that is displayed anywhere on Rising Treetops at Oakhurst's premises or circulated or displayed in the workplace or by using Rising Treetops at Oakhurst equipment or systems, including emails, phone calls, voicemails, text messages, social media postings; or
- "jokes", "pranks", or other forms of "humor" that are demeaning or hostile with regard to any of the Protected Categories.

### Sexual Harassment

As defined by the U.S. Equal Employment Opportunity Commission, harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

Rising Treetops at Oakhurst prohibits any inappropriate or offensive sex-based conduct, including, but not limited to:

- coerced sexual acts;
- express or implied demands for sexual favors in exchange for hiring, favorable reviews, assignments, promotions, continued employment, or promises of continued employment;
- touching or assaulting another person's body or staring at another person in a sexual manner;
- graphic, verbal commentary about another person's body or sexuality;
- unwelcome or offensive sexual jokes, sexual language, sexual epithets, sexual gossip, sexual comments, or sexual inquiries;
- unwelcome flirtations, advances, or propositions;
- sexually suggestive or obscene comments or gestures;
- the display in the workplace of graphic and sexually-suggestive objects, pictures, or graffiti;
- negative statements or disparaging remarks targeted at one sex (either men or women), even if the content of the verbal abuse is not sexual in nature; or
- any form of retaliation against an employee for complaining about the type of behavior described above or supporting the complaint of an alleged victim.

The behaviors described above are examples of sexual harassment or harassment based on the Protected Categories and are unacceptable in the Rising Treetops at Oakhurst workplace, as well as in other Rising Treetops at Oakhurst work-related settings, including business trips or business-related social events.

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, text messages, emails

and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from workplace premises, on personal devices or during non-work hours.

### Reporting and Investigating a Complaint

Rising Treetops at Oakhurst encourages any individual covered by this policy who believes he or she is being harassed to firmly and promptly notify the alleged offender that his or her behavior is offensive or unwelcome. Whether or not an individual chooses to discuss the incident with the alleged offender, the individual should report the incident. Rising Treetops at Oakhurst encourages prompt reporting of harassment complaints, whether the individual is the victim of or witnessed harassing conduct, so that Rising Treetops at Oakhurst may take rapid and appropriate action. Individuals can also file a complaint with a governmental agency or in court under federal, state or local antidiscrimination laws.

Whether they have directly observed harassing conduct or have received a report of it, supervisors, managers and affected individuals covered under this policy are required to report all harassing conduct they believe violates this policy directly to:

Mindy Downey, Corporate Compliance Officer, 212-533-4020 or 718-496-2826 or  
mdowney@risingtreetops.org

Andrew Marrus, Board of Directors Corporate Compliance Liaison, 917-359-2374 or  
boardcompliance@risingtreetops.org

Robert Pacenza, Executive Director, 212-779-2725 or 917-363-9524 or  
rpacenza@risingtreetops.org

COMPLIANCE HOTLINE, 212-533-4022

Rising Treetops at Oakhurst will promptly investigate all allegations of harassment in a timely manner, regardless of how they were discovered. In addition, Rising Treetops at Oakhurst will endeavor to maintain confidentiality throughout the investigatory process to the extent practical and appropriate under the circumstances. Rising Treetops at Oakhurst, however, has a legal obligation to act on all information it receives if it believes an individual may be engaging in wrongful conduct or violating the law. Rising Treetops at Oakhurst's investigation may include individual interviews with parties involved and, when necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process to protect their right to a fair and impartial investigation.

Rising Treetops at Oakhurst's immediate goal is to take prompt remedial action to stop the discriminatory, harassing, or offensive conduct if a violation of this policy is found. Rising Treetops at Oakhurst's next goal is to ensure that the violation will not reoccur. Even when a violation is not found, it may be appropriate to counsel individuals regarding their behavior.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of a complaint, Rising Treetops at Oakhurst will conduct an immediate review of the allegations, and take any interim actions (i.e., instructing the respondent to refrain from communications with the complainant), as appropriate. If the complaint is verbal, Rising Treetops at Oakhurst may encourage the individual to complete a written complaint form or prepare a complaint form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including electronic communications.
- Interview all parties involved, including any relevant witnesses.

- Create written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally.

#### Retaliation

Rising Treetops at Oakhurst will not retaliate in any way against an individual who makes a report of perceived harassment or any individual who participates in a harassment investigation, nor will Rising Treetops at Oakhurst permit any supervisor, employee, or volunteer to do so. Retaliation is a serious violation of Rising Treetops at Oakhurst's harassment policy, and anyone who feels that they have been subjected to any acts of retaliation should immediately report such conduct to the Compliance Officer, Executive Director, Board of Directors Compliance Liaison or the Compliance Hotline. Any person who believes he or she has been a target of such retaliation may also seek relief by filing a complaint with a governmental agency or in court under federal, state or local antidiscrimination laws. Any person who retaliates against another individual for reporting any perceived acts of harassment will be subject to disciplinary action up to and including termination.

Such retaliation is also unlawful under federal, state and local law (in certain instances). The New York State Human Rights Law protects any individual who has engaged in a "protected activity". Protected activity occurs when a person has:

- Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law (as defined below) or other anti-discrimination law;
- Opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- Reported that another employee has been sexually harassed; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

#### Disciplinary Action for Violating This Policy

If Rising Treetops at Oakhurst finds that this anti-harassment policy has been violated, the violator will be subject to appropriate disciplinary action. Although the specific corrective and disciplinary actions to be taken are within Rising Treetops at Oakhurst's sole discretion, they may include (a) a verbal or written reprimand, (b) referral to appropriate training or counseling, (c) reassignment, (d) temporary suspension and/or (e) termination.

Rising Treetops at Oakhurst recognizes that false accusations of harassment can cause serious harm. If an investigation results in a finding that an employee knowingly falsely accused another person of harassment, the employee may be subject to disciplinary action, up to and including termination.

#### Legal Protections and External Remedies

Sexual harassment is not only prohibited by Rising Treetops and Oakhurst but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at Rising Treetops at Oakhurst, 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 sexual 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 a HRL complaint in state court.

Complaining internally to Rising Treetops at Oakhurst does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer 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](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://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.

#### *Civil Rights Act of 1964*

The United States Equal Employment Opportunity Commission ("EEOC") enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). 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](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto: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. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

*Contact the Local Police Department*

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

**I have received and read this Harassment Policy:**

**Signature:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Updated and approved by the Corporation's Board of Directors at its Meeting on April 18, 2023