

# 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, immigration/citizenship status, alienage, age, handicap, disability, marital status, partnership status, sexual orientation, gender identity, gender expression (perceived or actual), domestic violence victim status, military status, predisposing genetic characteristics or condition, pregnancy-related condition, prior arrest or conviction record, familial status, unemployed status, or any other status protected by law (the "**Protected Categories**") or that of persons with whom the individual associates. While those with a prior conviction are protected from harassment under this policy, employment is subject to regulatory requirements. 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, immigration/citizenship status, alienage, age, handicap, disability, marital status, partnership status, sexual orientation, gender identity, gender expression (perceived or actual), domestic violence victim status, military status, predisposing genetic characteristics or condition, pregnancy-related condition, prior arrest or conviction record, familial 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

Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment and discrimination are against the law.

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

- 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; or
  - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, 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;
  - Subtle or obvious pressure for unwelcome sexual activities; or
  - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
  - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
  - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- 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;
  - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- 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;
  - Bullying, yelling, or name-calling;
  - Intentional misuse of an individual's preferred pronouns; or
  - Creating different expectations for individuals based on their perceived identities: i.e. dress codes that place more emphasis on women's attire;

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 while employees are traveling for business or at employer or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Sexual harassment can also occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

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, volunteer or visitor.

#### Reporting and Investigating a Complaint

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.

Reports of sexual harassment may be made verbally or in writing to your supervisor or to one of the compliance contacts listed in this section. A written complaint form is attached to this policy, but the complaint form is not required. Employees who are reporting sexual harassment on behalf of other employees may use the complaint form and should note that it is on another employee's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

Employees and covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained below in the section on Legal Protections.

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 one or more of the following contacts:

#### **Primary Contact:**

Mindy Downey, Corporate Compliance Officer, 212-533-4020 or 718-496-2826 or [mdowney@risingtreetops.org](mailto:mdowney@risingtreetops.org)

**Alternative Contacts** (in the case of Ms. Downey's absence or a potential conflict):

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

RTO ANONYMOUS 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. Rising Treetops at Oakhurst will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

Rising Treetops at Oakhurst recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

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 the designated person who receives the report will 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.
- Will seek to 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.

### Supervisor Responsibilities

Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors and managers have a special responsibility to make sure employees feel safe at work and to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment to one or more of the compliance contacts listed above. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Supervisors and managers can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors and managers can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

### Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

### 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.

Retaliatory actions need not be job-related or occur in the workplace to constitute unlawful retaliation. 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 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 a promotion, or moving an individual's desk to a less desirable office location.
- Threats of physical violence outside the workplace;
- Disparaging someone on social media;

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.

#### New York State Division of Human Rights

The New York State Human Rights Law ("HRL"), 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 and covered individuals, 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 of sexual harassment filed with DHR may be submitted any time within **three years** of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, 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 three years are 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. Relief varies but it may include requiring your employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive 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).

Go to [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney

experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

### **The United States Equal Employment Opportunity Commission**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e et seq. An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of 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. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred by does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, 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 the New York State Division of Human Rights, DHR will automatically 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, 22 Reade Street, 1st 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. Those wishing to pursue criminal charges are encouraged to contact their 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 on October 17, 2023*

*For more information, please reference the NY State Combating Sexual Harassment in the Workplace Program: <https://www.ny.gov/programs/combating-sexual-harassment-workplace>*



# RISING TREETOPS AT OAKHURST

## Complaint Form for Reporting Sexual Harassment and Harassment

If you believe that you have been subjected to sexual harassment or gender discrimination, you are encouraged, but not required, to complete this form and submit it to:

Primary Contact:

- Mindy Downey, Corporate Compliance Officer, [mdowney@risingtreetops.org](mailto:mdowney@risingtreetops.org)

Alternative Contacts:

- Andrew Marrus, Board of Directors Corporate Compliance Liaison, [boardcompliance@risingtreetops.org](mailto:boardcompliance@risingtreetops.org)
- Robert Pacenza, Executive Director [rpacenza@risingtreetops.org](mailto:rpacenza@risingtreetops.org)
- Mail to:

Attn: Compliance Officer  
Rising Treetops at Oakhurst  
1140 Broadway #507  
New York, NY 10001

No employee will be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy, and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

### COMPLAINANT INFORMATION

Name:

Work Address:

Work 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 sexual harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you:  Supervisor  Supervisee  Co-Worker  Other (please specify)

2. Please describe what happened and include as many details as possible. You may use additional sheets of paper if necessary. If you have any relevant documents, please include them.
  
3. Date(s) sexual harassment occurred:  
  
Is the sexual harassment continuing? Yes No
  
4. If possible, 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 provided information (verbal or written) about related incidents? If yes, when and to whom did you provide information?

This is not required, but if you have retained legal counsel and would like us to work with them, please provide their contact information.

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

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