UCCRC

Ulster County Capital Resource Corporation
P.O. Box 4265, Kingston, NY 12402-4265

Sexual Harassment Prevention Policy

Revised 4-21-2021

POLICY STATEMENT

The Ulster County Capital Resource Corporation (the "UCCRC") is committed to maintaining a safe workplace free from sexual harassment, and has a zero-tolerance policy. Sexual harassment, which includes harassment on the basis of sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status, is a form of workplace discrimination. Sexual harassment is a serious form of employee misconduct. All employees, interns, volunteers, and non-employees are required to work in a manner that prevents sexual harassment in the workplace. Any employee, intern, volunteer, or non-employee in the workplace who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination. This Policy is one component of UCCRC's commitment to a discrimination-free work environment.[1]

Sexual harassment is against the law. All persons have a legal right to a workplace free from sexual harassment. This right can be enforced by filing a complaint internally with UCCRC that will be investigated promptly and confidentially, and/or with a government Corporation or in court under federal, state or local antidiscrimination laws.

Sexual harassment is an offensive violation of our policies, unlawful, and will not be tolerated. Harassers may also be individually subject to liability. Those who engage in sexual harassment, and managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be subject to remedial action or discipline in accordance with law or an applicable collective bargaining agreement.

This Policy also prohibits retaliation against individuals who report or complain of sexual harassment or participate in the investigation of a sexual harassment complaint, as further described herein.

Complaints of sexual harassment must be submitted to the UCCRC CEO (the "Personnel Officer").[2] The Personnel Officer or their Designee will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever an individual or managerial personnel receives a complaint about sexual harassment or retaliation, or otherwise knows of possible sexual harassment occurring. UCCRC will keep the investigation confidential to the extent possible, and will seek to protect and keep confidential the identities of alleged victims and harassers during investigations. Effective corrective action will be taken whenever sexual harassment or retaliation is

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[1] Note that other forms of discrimination, as well as harassment based on protected classes or characteristics other than those covered under this policy are covered separately under UCCRC's Discriminatory Harassment Policy.

[2] In the event that the Personnel Officer is the subject of the complaint, complaints must be made to one of the UCCRC Chair

found to have occurred. All persons covered by this Policy, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

We are all responsible for creating a safe and harassment free work environment. All employees, interns, volunteers, and non-employees are to report any harassment or behaviors that violate this Policy. Reports of sexual harassment may be made verbally, or in writing. UCCRC provides a complaint form for the reporting of harassment and filing of complaints. All members of the UCCRC and staff are required to report **any** complaint that they receive, or any harassment that they observe or become aware of in the workplace. Such reporting should be in written form to the Personnel Officer.

Anyone subject to and/or covered by this Policy who feels harassed, or is concerned about potential harassment should inform their supervisor or the Personnel Officer so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy. UCCRC encourages all who believe they may have been a victim of, or witness of any form of sexual harassment to report.

SCOPE

Who is covered by this Policy? This Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, volunteers, non-employees and persons conducting business with UCCRC[3].

Who can be a target of sexual harassment? Sexual harassment can occur between any individuals, regardless of their sex or gender, or standing within UCCRC. Federal and State Law protects employees, paid or unpaid interns, volunteers, and non-employees who provide services in the workplace.

Who can be a sexual harasser? A harasser can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor, or anyone with whom the person interacts while conducting their job duties.

Where can sexual harassment occur? Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees, interns and/or volunteers are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage can constitute or contribute to unlawful workplace harassment, even if occurring away from the workplace premises or not during work hours.

DEFINITIONS OF PROHIBITED CONDUCT

What is sexual harassment?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status.

Sexual harassment includes unwelcome verbal or physical conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- 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

[3] Non-employees, as defined by law, includes contractors, vendors and consultants or those who are employees of the contractor, vendor or consultant.

- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A hostile work environment consists of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, and/or which can interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to offer job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Examples of sexual harassment

Sexual harassment under the law and prohibited by this Policy will include, but is not limited to, the following prohibited conduct:

- Physical assaults of a sexual nature, such as:
  - Touching, pinching, patting, grabbing, brushing against another person's body or poking another person's body; rape, sexual battery, molestation or attempts to commit these assaults (which should be reported to local authorities as promptly as is possible).
- 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 employment benefits or detriments; subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which can create a hostile work environment.
- Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate or treated negatively simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should look or act.
- 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 or in a work-related gathering or setting.
- Hostile actions taken against an individual because of that individual's sex, self-identified or perceived sex or gender, sexual orientation, gender identity, gender expression or transgender status, 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, name-calling.

Retaliation

In addition to sexual harassment, retaliation for opposing or complaining of sexual harassment or participating in investigations of sexual harassment is prohibited by law and prohibited under this Policy. No person covered by this Policy shall be subjected to such unlawful retaliation. Unlawful retaliation can be any adverse employment action, including being discharged, disciplined, discriminated against, or any action that would keep or discourage anyone covered by this Policy from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

The New York State Human Rights Law and this Policy protect any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination Corporation;
- testified or assisted in a proceeding involving sexual harassment under this Policy, the State Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to UCCRC (including a supervisor or manager) or by simply informing a supervisor or manager of harassment;
- reported that another employee, intern, volunteer or non-employee covered by this Policy has been sexually harassed; or
- encouraged a fellow employee, intern, volunteer and/or non-employee covered by this Policy to report harassment.

Employees, interns, volunteers, and non-employees who believe they have been subjected to retaliation should report this conduct in accordance with the same reporting procedures as are outlined below. These complaints of retaliation will be investigated in accordance with the same procedures utilized to investigate a complaint of sexual harassment. Individuals also may file complaints of retaliation with the federal or state enforcement agencies (EEOC or New York State Division of Human Rights.)[4] Any individual found to have engaged in retaliation as defined in this Policy will be subject to disciplinary action up to and including termination, and/or other corrective or remedial action as necessary.

REPORTING PROCEDURES AND RESPONSIBILITIES

Reporting Procedures

Preventing sexual harassment is everyone's responsibility. UCCRC cannot prevent or remedy sexual harassment unless it knows about it. Any employee, intern, volunteer or non-employee who has been subjected to behavior that may constitute sexual harassment is strongly encouraged to report such behavior to a supervisor, manager, or the Personnel Officer. Anyone who witnesses or becomes aware of potential or perceived instances of sexual harassment should also report such behavior to a supervisor, manager, or the Personnel Officer.[5] Managers and supervisors who have received reports are required to report the alleged harassment to the Personnel Officer.

Although encouraged, note that neither this Policy nor state or federal law requires that an individual tell an alleged harasser to stop his/her actions. Failure to do so does not preclude the individual from filing a complaint of sexual harassment. Individuals should feel free to keep written records of any actions which may constitute sexual harassment, including time, date, location, names of others involved, witnesses (if any), and who said or did what to whom.

Reports of sexual harassment may be made verbally or in writing. If made verbally, to a supervisor or the Personnel Officer, the complaint must be reduced to writing by the individual who it was reported to. A form for submission of a written complaint is attached to this Policy. Individuals who are reporting sexual harassment on behalf of others may report verbally to a supervisor or the Personnel Officer, or should use the complaint form and note that it is on another person's behalf.

Employees, interns, volunteers or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

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4 Contact information provided in §IX of this document.

5 In the event that the Personnel Officer is the subject of the complaint, complaints are to be made to one of the UCCRC Chair.

All managerial and supervisory personnel of UCCRC shall be responsible for enforcing this Policy and shall have particular responsibility for ensuring that the work environment under their supervision is free from sexual harassment and retaliation. In addition to being subject to discipline or other remedial action if they engaged in sexually harassing conduct themselves, all supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report the same in writing, to the Personnel Officer. Supervisors and managers will be subject to discipline (or other remedial and appropriate action) for failing to take corrective action and report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue. Appropriate and attentive action to prevent the occurrence of sexual harassment is an expectation of all supervisors.

Supervisors and managers will also be subject to discipline or other appropriate remedial action for engaging in retaliation.

UCCRC Responsibilities

UCCRC will be responsible for ensuring that this Policy is provided to employees, interns, and volunteers, and that training on this Sexual Harassment Prevention Policy is conducted annually.

INVESTIGATION AND RESPONSE PROCEDURES

All complaints or information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent possible.

During an investigation of any complaint, the information and knowledge gathering of suspected sexual harassment will be prompt and thorough, commencing immediately and completed as soon as possible. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded appropriate due process to protect their rights to a fair and impartial investigation.

Any employee, volunteer, intern or non-employee may be required to cooperate as needed in an investigation of suspected sexual harassment. As further set forth herein, UCCRC will not tolerate retaliation against those who file complaints, support another's complaint, or participate in the investigation of a complaint.

All investigations will be conducted by the Personnel Officer or their designee. The nature of an investigation may vary on a case by case basis dependent upon the circumstances and extent of the allegations. Generally, investigations should be conducted by the Personnel Officer or their designee in accordance with the following steps:

- Upon receipt of complaint, the Personnel Officer or their designee will conduct an immediate review of the allegations, and take interim actions, as appropriate. If the complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form or other write up of the complaint based on the oral reporting.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create (at a minimum) 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

- Recommendation(s) for the final resolution of the complaint, together with any recommendations for corrective or remedial actions to be taken.
- Keep the written documentation and associated documents in a safe secure location within the employer's records.

Once the investigation is completed, the Personnel Officer or their designee will make a Final Determination as to whether the Policy has been violated.

The Personnel Officer or their designee shall promptly notify the complainant of the Final Determination, and also inform the complainant of their right to file a complaint or charge externally as outlined below.[6]

If and when a complaint of sexual harassment or retaliation is determined to be founded, UCCRC will take disciplinary and/or corrective action. The Personnel Officer will be responsible for overseeing the implementation of any corrective or remedial actions.

FURTHER CONFIDENTIALITY AND DISCLOSURE

In recognition of the personal nature of discrimination complaints and the emotional impact of alleged discrimination, UCCRC shall keep complaints as confidential as is consistent with a thorough investigation, applicable collective bargaining agreements, and other laws and regulations regarding employees and the workplace setting. For the protection of all individuals who make complaints or are accused of prohibited discrimination, every witness interviewed during an investigation under this Policy will be advised of the confidentiality requirement and instructed not to discuss the complaint, the investigation, or the persons involved. To the extent complaints made under this Policy implicate criminal conduct, UCCRC may be required by law to contact and cooperate with the appropriate law enforcement authorities.

The terms of any settlement or other resolution are subject to disclosure UNLESS the Complainant seeks confidentiality. This request for confidentiality may be revoked within a certain time period in accordance with State law.

FALSE REPORTS

Reporting of a false complaint is a serious act. In the event it is found that an individual bringing the complaint has knowingly made false allegations, UCCRC will take appropriate remedial action and/or disciplinary action in accordance with the provisions of applicable collective bargaining agreement and/or state law

LEGAL PROTECTIONS AND EXTERNAL REMEDIES

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

Aside from the internal process at UCCRC, individuals may also choose to pursue legal remedies with the following governmental entities **at any time**.

New York State Division of Human Rights (DHR)

The Human Rights Law (HRL), codified as N.Y. Executive Law, Art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, interns and non-employees. A complaint alleging violation of the Human Rights Law may be filed either with Division of Human Rights 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

[6] Where a complaint was filed regarding sexual harassment against an individual other than the person making the written complaint, the person against whom the harassment was directed will be treated as the complainant for purposes of this Policy.

not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged discrimination. An individual may not file with DHR if they have already filed an HRL complaint in state court.

Complaining internally to UCCRC does not extend the time for filing a complaint with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

An individual does not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate the complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring the employer to act to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

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.

United States Equal Employment Opportunity Commission (EEOC)

The 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.

If an individual believes that he/she has been discriminated against at work, he/she 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 (1-800-669-6820 (TTY)), 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.

Contact your Local Law Enforcement Corporation

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact your local law enforcement Corporation.

Re — affirmed: January 19, 2022

ULSTER COUNTY CAPITAL RESOURCE CORPORATION
DISCRIMINATORY HARASSMENT PREVENTION COMPLAINT FORM
(Submit to Personnel Officer)

This form may be used to file a charge of discriminatory harassment which is a form of discrimination prohibited by federal law, the New York State Human Rights Law, and UCCRC Policy.

Filing this complaint form with UCCRC in no way deprives you of the right to file a complaint with the US Equal Employment Opportunity Commission, New York State Division of Human Rights, and/or the Federal/State courts.

(PLEASE PRINT OR TYPE)

1. Name_____ Phone Number ____
   Residence_____ Mailing
   Address (if different from residence) _____
   City_____State_____Zip
   Code _____

2. Department and Position

(Month/Day/Year)

(AN AFFIRMATIVE REPLY TO THIS QUESTION WILL IN NO WAY STOP A REVIEW OF YOUR COMPLAINT)

3. Alleged Discrimination Occurred on or about:

Month:_____Day:_____Year:_____Time: _____

Is this alleged discrimination continuing: YES_____ NO _____

Describe the alleged act of harassment. **Use additional sheets if necessary.**

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4. Indicate the name(s) of the alleged harasser(s) and their position in relationship to the harassed:
_____

_____

5. State the name(s) of any potential witness(s):
_____

_____

6. Has this Conduct been reported to any other individuals, if so to whom and when?:
_____

7. Have you filed this charge with a Federal, State or local government Corporation?
YES/NO: _____ When _____ Where _____

(Month/Day/Year)

Have you instituted a suit or court action on this charge?

YES/NO:_____ When_____Where _____

8. I swear or affirm that I have read the above related facts and that the statements are true and correct to the best of my knowledge, information and belief.

Date: _____

_____

(Signature)

-INFORMATION PROVIDED HEREIN WILL BE CONFIDENTIALLY MAINTAINED-