

## Anti-Harassment and Sexual Harassment

**Policy Statement** – This policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with or on behalf of UPSTATE NEW YORK SYNOD, ELCA. UPSTATE NEW YORK SYNOD, ELCA is committed to providing a work environment where employees and non-employees are free of inappropriate and disrespectful behavior and harassment, including sexual harassment. UPSTATE NEW YORK SYNOD, ELCA has a zero-tolerance policy for any form of harassment. All employees are required to work in a manner that prevents sexual harassment in the workplace. Sexual harassment is a form of workplace discrimination and is against the law. Sexual harassment and harassment based on any protected characteristic is strictly prohibited. The Company takes all necessary measures to prevent harassment in the workplace or, in the event it occurs, to stop the conduct immediately. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with UPSTATE NEW YORK SYNOD, ELCA, or with a government agency or in court under federal, state or local antidiscrimination laws.

**Definition of Workplace** - For the purpose of this policy, the workplace includes the office, churches, parking areas, customer locations, social functions sponsored by UPSTATE NEW YORK SYNOD, ELCA both on and off Company premises, business meetings, business-related travel, and/or any location while representing the Company. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or during nonworking hours.

**Sexual Harassment Definition** - Sexual harassment is a form of sex discrimination that consists of words signs, jokes, pranks, intimidation, physical actions or violence directed at an employee due to any protected characteristic and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender identity and the status of being transgender.

The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature to an individual of the same or opposite gender when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to, or rejection of such conduct by an individual is used as the basis for employment decisions (e.g., promotion, termination, pay increase) affecting that individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's ability to work or creating an intimidating, hostile, or offensive working environment, even if the complaining individual is not the intended target of the sexual harassment.

**Examples of Prohibited Conduct-** Unprofessional, inappropriate, or offensive conduct committed by a supervisor, coworker, vendor, supplier, visitor, customer, or any other non-employee is prohibited, even if the conduct is welcome by the recipient(s). Prohibited conduct includes, but is not limited to:

- Insulting, lewd, or sexually oriented words, jokes, pranks, slurs, innuendoes, or stories. This includes verbal harassment as well as written, recorded, and electronically transmitted material;
- Intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex;
- 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, which interfere with the recipient's job performance;
- Leering, ogling, obscene gestures or sounds, or whistling;
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment;

- Unwelcome physical contact, including touching, groping, grabbing, hugging, kissing, massaging, fondling, patting, pinching, hitting, pushing, or brushing up against a person's body or impeding and/or blocking movements;
- Rape, sexual battery, molestation or attempts to commit these assaults;
- Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as: Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job; Sabotaging an individual's work; bullying, yelling, name-calling; and
- Unwanted sexual advances or propositions, such as requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments; Subtle or obvious pressure for unwelcome sexual activities.

**Other Types of Harassment** – As noted above, in addition to sexual harassment, harassment based on any protected characteristic is prohibited. While it is not possible to list all conceivable behaviors which might be considered harassing, the following are examples of behavior which must be avoided:

- Ethnic, racial, religious or other teasing or slurs, or jokes or comments that demean a person on the basis of race, color, religion, national origin, sexual orientation, gender identity, the status of being transgender, age or disability;
- Mimicking or mocking another's race, color, religion, ethnicity, national origin, sexual orientation, gender identity, the status of being transgender, age or disability; and
- Racially or religiously offensive pictures, symbols, cartoons, or graffiti.

**Manager and Supervisory Responsibility** – Managers and supervisors are responsible for providing a work environment that is free from unsolicited, unwelcome, and intimidating behavior, including behavior of a sexual nature. Managers and supervisors are required to take immediate and appropriate corrective action in the event he or she is a witness to, or becomes aware of, any violations of this policy, even if no one is objecting to the harassment. The manager and/or supervisor is also required to immediately notify the Bishop of any policy violations.

**Reporting Procedure-** Do not assume the Company is aware of your issue. UPSTATE NEW YORK SYNOD, ELCA cannot address what it doesn't know about. Any employee, paid or unpaid intern, or non-employee who believes that he or she is the victim of harassment or witnesses or becomes aware of potential instances of sexual harassment is required to report this behavior to a supervisor, manager or Office Manager immediately. UPSTATE NEW YORK SYNOD, ELCA will provide a complaint form for employees to report harassment and file complaints. UPSTATE NEW YORK SYNOD, ELCA will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or other form of harassment involving a protected class, or otherwise knows of possible harassment occurring. The investigation will be confidential to the extent possible. Effective corrective action will be taken whenever harassment or sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of harassment/sexual harassment.

**Legal Protections and External Remedies** - Sexual harassment is not only prohibited by UPSTATE NEW YORK SYNOD, ELCA but is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process at UPSTATE NEW YORK SYNOD, ELCA, employees and non-employees, such as interns, vendors, contractors, and consultants may also choose to file a complaint and pursue legal remedies with the following governmental entities at any time.

- **New York State Division of Human Rights (DHR) and Human Rights Law (HRL).** A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court. Complaints with DHR may be filed any time within one year of the harassment, or an individual can sue directly in state court under the HRL within three years of the alleged discrimination. For more information contact DHR at (888) 392-3644 or visit [dhr.ny.gov](http://dhr.ny.gov). 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).** An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file and you do not need to have an attorney to file. A complaint must be filed with the EEOC before you can file in federal court. For more information, contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).
- **Local Protections.** Many localities enforce laws protecting individuals from sexual harassment and discrimination. Contact your county, city or town to find out if such a law exists.
- **Contact the Local Police Department.** If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. You should contact your local police department.

**Non-Retaliation** – UPSTATE NEW YORK SYNOD, ELCA prohibits and will not tolerate retaliation against anyone who makes a complaint of harassment in good faith or who participates in an investigation of a complaint. Individuals who become aware of anyone engaging in retaliation prohibited by this policy should immediately report the matter to the Office Manager. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also seek relief in other available forums, as explained in the section on Legal Protections and External Remedies.

**Policy Violations** – Sexual harassment is a form of employee misconduct. Any employee or individual who violates this policy or engages in harassment or retaliatory conduct prohibited by this policy, or manager and supervisory personnel who knowingly allow such behavior to continue will be subject to liability, remedial and/or disciplinary action, up to and including termination of employment.

## **EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT**

I have read, understand and acknowledge receipt of the Anti-Harassment policy, to include sexual harassment. I will comply with the guidelines set out in the policy and understand that failure to do so may result in disciplinary action, up to and including termination of employment and potential legal action.

\_\_\_\_\_  
EMPLOYEE NAME (PLEASE PRINT)

\_\_\_\_\_  
EMPLOYEE SIGNATURE

\_\_\_\_\_  
DATE OF SIGNATURE