

Nyack Community Ambulance Corps

DISCRIMINATION, SEXUAL AND OTHER HARASSMENT, AND RETALIATION PREVENTION POLICY AND REPORTING AND INVESTIGATION PROCEDURE

POLICY

Discrimination, sexual and other harassment and retaliation are against the law. This policy sets out the Organization's commitment to creating a discrimination, harassment, and retaliation - free workplace for all who provide services to us.

This policy and the information below apply to all employees, applicants for employment, interns and non-employees¹ conducting business with our Organization. Conduct that violates this policy may subject not only the Organization but also any individual who engages in such conduct to liability.

- 1) **No Discrimination:** It has been and will continue to be the Organization's policy to ensure equal employment opportunity without discrimination on the basis of any characteristic protected by the jurisdiction in which an employee works, such as his or her race, color, creed, religion, age, national origin, citizenship status, mental or physical disability, sex or gender (including gender identity and transgender status), pregnancy, marital status, familial status, sexual orientation, military status, status as a victim of domestic violence, genetic information, prior arrest or conviction record or any other protected characteristic as established by applicable federal, state or local law.
- 2) **No Harassment:** While we expressly prohibit sexual harassment (as explained further below), which is a form of discrimination, as well as harassment on the basis of any category listed above, we expect everyone in our Organization to treat each other and those you come in contact with through your employment with the Organization, with professionalism, courtesy, dignity and respect. Harassment of any kind makes those who work here feel uncomfortable, disrespected and/or unwanted, and is prohibited. The Organization will take action to investigate and address reports of harassment whether the alleged harasser is an employee with supervisory responsibilities, co-worker, member of the Board of Nyack Community Ambulance Corps (the "Board"), patient, visitor, volunteer, contractor, or other individual who is employed by or providing services for the Organization.
- 3) **No Retaliation:** The Organization similarly prohibits retaliation against employees who report concerns under this policy in good faith. Retaliation against an individual who reports concerns about discrimination or sexual or other harassment or who engages in other protected activities is unacceptable.

¹ A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with our Organization. Please note that New York State law only extends protections against sexual harassment to such non-employees. Whether a non-employee has a cognizable legal claim for other actions believed to violate this policy is governed by the applicable law at the time such claim is filed. It is the Organization's policy, however, to ensure that everyone working with us is treated with respect and that they likewise are respectful and professional to our employees.

- 4) **Concerns Will Be Investigated:** As outlined in more detail below, the Organization will conduct a prompt, appropriate and impartial investigation whenever management receives a report of harassment or otherwise knows of possible harassment occurring. All employees are required to cooperate with any internal investigation.

We take claims of discrimination, sexual and other harassment, and retaliation very seriously. A violation of this policy, whether it be engaging in or condoning discrimination, sexual or other harassment, or retaliation, is considered employee misconduct. Such behavior, whether carried out by our employees, patients, business partners, visitors, or other business associates, has no place in our business.

Definitions/Descriptions:

Discrimination is any action taken by an Organization representative against an employee, intern or applicant because of the individual's protected characteristic (i.e., one of the categories listed above) or because that person associates with another person with a protected characteristic, which action affects the terms or conditions of employment. Forms of discrimination on the basis of a protected characteristic can include improper discipline, discriminatory hiring or promotion decisions, derogatory comments, as well as any other action or inaction by an Organization representative which adversely affects the terms or conditions of employment.

Harassment is a form of discrimination on the basis of one of the above protected characteristics, in which an individual's work environment is made hostile by, for example, epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; or display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group. Those actions are contrary to the culture we have established.

Sexual Harassment is a specific type of harassment which can take many forms – what may constitute such harassment depends on the specific facts of each situation. In general terms, sexual harassment is unwanted sexual attention or conduct of a persistent or offensive nature made by a person who knows, or reasonably should know, that such attention or conduct is unwelcome or sexually offensive. Such conduct is either of a sexual nature or directed to a person because of his or her sex or gender. Sexual harassment is considered a form of employee misconduct and the Organization will take appropriate remedial and/or disciplinary action to address it. Sexual harassment in New York includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

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

Sexual harassment may occur without regard to the gender of the victim and alleged harasser. In other words, a person of any gender could be engaging in sexual harassment against another

individual of any gender, as long as the harassment is because of the victim's gender or is generally sexual in nature.

Examples of sexual harassment may include, but are not limited to, the following:

- conversations about your own or someone else's sex life;
- obscene or sexually explicit or suggestive language or gestures;
- sexual or lewd remarks, jokes, pranks, signs or comments;
- displaying pornographic or sexually-oriented posters, photography, cartoons or drawings, as well as objects or other physical items, whether physically present or on a computer screen, or sending emails, text messages, or other such communications containing such content;
- unwanted touching of any kind from brushing against another's body, hugs or kisses, to patting or grabbing, to rape or other sexual assault, or attempts at these actions;
- comments about, or repeated compliments regarding, a person's physical appearance or body;
- sexual advances or requests for sexual favors;
- 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;
 - blocking their way;
 - sabotaging an individual's work; or
 - bullying, yelling, or name-calling.

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

Another form of sexual harassment is "sex stereotyping." This occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

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, texts, emails, and social media usage by employees can constitute workplace harassment that violates this policy, even if they occur away from the workplace premises or not during work hours.

Inappropriate behavior experienced by anyone covered by this policy should be immediately reported as provided in this policy so effective corrective action can be promptly addressed by the Organization. Employees are encouraged to report any inappropriate conduct, even a single incident, so it can be addressed under this policy.

Retaliation occurs when an adverse employment action or other unwanted or improper action is taken against an employee because the employee engaged in an activity protected under the discrimination and harassment laws.

Examples of such protected activities include:

- making an internal discrimination or sexual or other harassment complaint under this policy, including bringing a situation to management's attention, or filing such a complaint

with any anti-discrimination agency or with a court, on behalf of the employee or someone else;

- encouraging another to make such a complaint;
- participating in the investigation of such a complaint; or
- participating in a court or agency proceeding regarding an employee's own or another's harassment or discrimination complaint.

Retaliation can be any action that would keep an individual from coming forward to make or support (or continue to proceed with or support) a complaint under this policy. Examples of potentially retaliatory conduct include demotions, schedule or work changes, compensation changes, terminations, or other similar actions. However, the adverse action need not be job-related or occur in the workplace to constitute retaliation.

Retaliation against anyone who, in good faith, reports or provides information about suspected discrimination or sexual or other harassment or who otherwise engages in one of the protected activities listed above, is a violation of this policy. The Organization therefore will take appropriate action to remedy the situation and counsel/discipline anyone who engages in retaliation, taking appropriate actions determined in the Organization's discretion.

Non-Employees. New York State law also protects "non-employees" (defined above) from sexual harassment. Whether a non-employee has a cognizable legal claim for other actions believed to violate this policy is governed by the applicable law at the time such claim is filed. It is thus Organization policy, as noted above, that Organization employees and managers are to treat everyone they deal with in connection with the Organization with professionalism, respect, and courtesy and to report any concerns about treatment of non-employees in accordance with this policy.

If you have any questions about these definitions or descriptions, please contact any Lieutenant, the Chief, the Captain or any member of the Board.

ORGANIZATION'S REPORTING AND INVESTIGATION PROCEDURE

The Organization has enacted the following procedure to provide a means for employees to report and for the Organization to investigate any concerns about inappropriate behavior in the workplace.

Report the Concern Immediately: All Organization employees are responsible for helping us promote a positive working environment. The Organization cannot remedy or address situations it does not know about. Therefore, the Organization requires the immediate reporting of all incidents of inappropriate behavior by another person, regardless of his or her identity or position with the Organization.

Instructions for Reporting Concerns: If you believe you have experienced or observed, or become aware of, conduct that violates these Organization policies, it is important to speak up right away. This is so even if someone asks you not to report it. The Organization cannot address what it does not know about.

Here are the steps to take:

- If you are comfortable doing so, talk to the person whose behavior is bothering you and ask that person to stop. While we can understand a reluctance to report a single incident if it seems that the conversation resolved it, should the situation continue or reoccur, please report them.

- If you are not comfortable talking to that person, or if doing so doesn't work, you should talk to any Lieutenant, the Chief, the Captain or any member of the Board.

Initial reports regarding conduct believed to violate this policy can be made verbally or in writing, but verbal reports must be memorialized in writing. Initial reports of harassment may also be made on the Organization's Harassment Complaint Form which is attached to this policy and which can be obtained from and then, when completed, provided to any Lieutenant, the Chief, the Captain or any member of the Board.

When you report your concerns, we expect that you will provide any and all relevant information to us, including specific details regarding the inappropriate behavior. You will also be expected to provide us with all documents or other material that either you or other individuals may have supporting the concerns as soon as possible after making the report. Additionally, you are expected to identify all known witnesses who may have information relating to the situation. Failure to do so will adversely affect the investigative process.

Of course, the availability of this reporting procedure does not preclude individuals who believe they are being subjected to inappropriate conduct by another person from promptly telling that person that the behavior is unwelcome and requesting that it be discontinued. It similarly does not preclude, and indeed, encourages, "bystander intervention." This means that if you observe inappropriate behavior, you can interrupt the conversation or situation, or insert yourself in a way that protects the potential victim if such can be done without endangering yourself—and then promptly report the situation as provided in this policy.

Supervisory Responsibilities:

In addition to being bound by the requirements of this policy to refrain from inappropriate behavior, all employees with supervisory responsibilities who receive a report or information about potentially inappropriate behavior or who observe inappropriate behavior are required to report this to any Lieutenant, the Chief, the Captain or any member of the Board so the situation can be investigated and addressed.

If an employee reports concerns regarding any Lieutenant, the Chief, the Captain or any member of the Board, the designated individual who receives the report should direct it to another one of the designated individuals if the report concerns themselves. Please note that any of the designated individuals who receive reports "in confidence" are obligated to advise the individual raising the concern that appropriate management individuals must be told about the concern, so the situation can be addressed. In such a situation, the designated individual to whom the report was made should inquire regarding the employee's concerns about disclosure, so they can be addressed.

All Lieutenants, the Chief, the Captain and all members of the Board are expected to be especially vigilant to ensure that all who work in their areas are being treated properly without discrimination, and with dignity and respect, and that this policy is not being violated. Any employee with supervisory responsibility or member of the Board who observes inappropriate behavior is expected to promptly report it as outlined above. Any employee with supervisory responsibility or member of the Board who knowingly allows such behavior to continue without reporting it or addressing it will also be subject to remedial action and/or discipline, up to and including termination of employment.

Investigative Procedures: Reported concerns about inappropriate behavior will be investigated promptly and appropriately based on the circumstances. The investigation will usually include individual interviews with the parties involved and, where necessary, with any witnesses who

may have knowledge relevant to the situation. It may also include review of relevant documents (such as emails or text messages) or other steps deemed appropriate by the investigator at the time. The Organization will endeavor to complete the investigation as soon as possible, given the situation at the time a report is made.

All decisions regarding the nature of the investigation, including but not limited to, the scope and duration of the investigation, who is interviewed, what materials are reviewed, etc., are in the sole discretion of the Organization. However, efforts will be made to provide to all persons involved in allegations of sexual harassment, including complainants, witnesses and alleged perpetrators, an opportunity to be heard and a fair and impartial investigation. This includes making efforts to ensure that all parties (those reporting and those whose behavior is being scrutinized) have the opportunity to tell their side of the story and to provide any information and documents they would like the Organization to consider. Confidentiality will be maintained throughout the investigatory process to the extent feasible, consistent with an adequate investigation, appropriate corrective action and applicable law. All employees are expected to cooperate fully with any investigation or inquiry into these matters. Retaliation against those who participate in an investigation is prohibited by this policy. Reports of other conduct believed to violate this policy will be similarly investigated and addressed.

Determination: After a concern is investigated, the investigator(s) will make a determination and suggest a resolution to any concern found to be credible. A determination may include remedial action, discipline up to and including termination, job reassignment, or other solutions to resolve the credible concerns. Based on the investigator's determination and suggestions, and various factors related to the situation, the Organization, in its discretion, will determine how to proceed. There are certain situations where the actions taken as a result of the determination, as are most personnel decisions, must be kept confidential. Any actions taken as a result of a complaint made under this policy are at the discretion of the Organization.

Responsive Action: Misconduct that the Organization believes violates this policy will be dealt with appropriately at the Organization's discretion. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary disciplinary suspension without pay, termination, or other such action as the Organization believes may be appropriate under the circumstances. To protect the privacy of everyone involved, the Organization has a policy of generally not disclosing the specific nature of any disciplinary action taken as a result of an investigation but may do so in appropriate circumstances. The Organization will endeavor to ensure the investigation process is fair to all concerned, keeping in mind the Organization's legal obligations outlined in this policy. Alleged wrong-doers who believe they have been improperly targeted or treated unfairly either during the course of or as a result of an internal investigation, may, and should, advise the investigator and/or the individual implementing any responsive action. However, given the multiple issues raised in situations involving concerns about inappropriate behavior, the Organization may take whatever action it deems appropriate in any given situation.

Retaliation Not Tolerated: The Organization will not tolerate retaliation of any kind against any employee who, in good faith, reports or complains about any perceived violation of this policy or participates in any investigation of any such report. Employees may raise such concerns and make such reports without fear of reprisal or retaliation. Any employee, paid or unpaid intern, or non-employee (such as contractors or consultants) working in the workplace who believes they have been subject to such retaliation should inform any Lieutenant, the Chief, the Captain or any member of the Board.

Individuals who believe they have been retaliated against in violation of this policy should utilize

the reporting mechanism discussed, above. The Organization will not tolerate any actions of retaliation for reporting concerns in good faith. However, any reporting determined by the Organization to have been raised other than in good faith will also be dealt with accordingly.

Any person engaged in retaliatory conduct will be subject to remedial action and/or discipline up to and including immediate termination, at the Organization's discretion. Nothing in this policy changes the "at-will" nature of employment.

As required by the New York State laws, the Organization provides periodic training to managers and employees in how to identify, prevent, and address sexual and other harassment and discrimination at work.

An employee's failure to promptly take advantage of this reporting procedure could adversely affect his or her legal rights in the future.

LAWS GOVERNING DISCRIMINATION AND HARASSMENT

A number of laws prohibit workplace discrimination, as well as sexual and other harassment, and retaliation. Please note that your rights under these laws may be affected if you did not first utilize the Organization's internal reporting procedure as outlined in this policy to let the Organization know about the discrimination or harassment. The below avenues are available to you in addition to the internal reporting procedure outlined above.

Equal Employment Opportunity Commission: The federal law governing many of these issues, Title VII of the Civil Rights Act of 1964, applies to companies with 15 or more employees. An employee who wishes to bring a claim under federal law must first file a charge of discrimination within 300 days of the harassment, discrimination or retaliation with the Equal Opportunity Employment Commission ("EEOC") (more information can be found at: <https://www.eeoc.gov/employees/charge.cfm> or by calling 1-800-669-4000). 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 actionable discrimination, harassment or retaliation 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. A successful plaintiff in federal court can obtain monetary damages, equitable relief (such as reinstatement), and/or reasonable attorney's fee and litigation expenses.

New York State Division of Human Rights: The New York State Human Rights Law ("HRL") applies to employers with four or more employees, except for prohibitions against sexual harassment – which apply to employers with one or more employees. An employee who wishes to bring a claim under New York State law may file a charge of discrimination with the New York State Division of Human Rights ("DHR") within one (1) year of the discrimination, or may file in court within three (3) years of the discrimination (more information can be found at: <https://dhr.ny.gov/complaint> or by calling 1-888-392-3644). An individual may not file with the DHR if they have already filed an HRL complaint in state court. Complaining internally to the Organization does not extend your time to file with the DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment or discrimination. You do not need an attorney to file a complaint with the DHR, and there is no cost to file with the DHR.

Once an employee elects to proceed in the DHR, the agency will investigate your complaint and determine whether there is probable cause to believe that discrimination or harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination or harassment is found after a hearing, DHR has the power to award re-

lief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages and civil fines. Attorneys' fees are not available, unless the claim is for sex discrimination or sexual harassment.

There also may be local laws that apply.

Additionally, if the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the Organization right away so the situation can be addressed immediately, and you may also contact the local police department.

The Organization takes its obligations under this policy seriously, and expects all employees to do the same.

Nyack Community Ambulance Corps

Sexual and Other Harassment Complaint Form

Employees who believe they have been or are being subjected to sexual or other harassment by an Organization employee, member of the Board, patient, contractor, visitor or other individual in violation of our Organization policy may use this form to report the situation. No employee will be retaliated against for making a report or bringing such a situation to our attention. Please deliver the form to any Lieutenant, the Chief, the Captain or any member of the Board (If you need more space, please feel free to use the back or additional sheets.)

Today's date: _____

Your name: _____

Your job title: _____

Your direct supervisor's name: _____

and job title: _____

Address of your work location: _____

How do you prefer that we contact you: _____

Name and job title of person(s) who engaged in the inappropriate behavior:

Is this person a(n):
employee member of the Board patient other (specify) _____

(If more than one person, identify the others here: _____)

Date(s) of inappropriate behavior or actions (can be approximate):

Please describe what happened:

When did the unwanted/inappropriate behavior/actions start? _____

Is it still going on? Yes No If it stopped – when did it stop? _____

If it stopped, why do you think it stopped? _____

Check any that apply. It occurred: at work during an off-site work activity
outside of working time at an event not related to work

Did anyone witness any of the behavior/activities? Yes No If so, please identify the witnesses and events by indicating their name and job title and the event they witnessed:

Do you have any documents (emails, texts, pictures, etc.) that support your complaint?

Yes No If so, please identify what you have and provide copies along with this complaint form. If not provided at this time, you will have an opportunity to provide them to the person who will investigate the complaint. Please retain any such documents:

Why do you believe this is occurring? _____

What would you like to see as an end result to resolve the situation? (Please note that the Organization will make a determination as to how to resolve the situation after an investigation but will take your desires into consideration.)

Have you previously complained or provided information (verbal or written) about this or other discrimination or harassment at our Organization?

Yes No If yes, when and to whom did you complain or provide information?

Is there anything else you would like to tell us regarding this situation?

I attest that the information provided above is true and accurate to the best of my recollection. I further understand that this complaint will be kept as confidential as possible while the Organization conducts an appropriate investigation. I understand that if I believe I am subjected to any retaliation as a result of bringing this complaint, I am to bring it to the Organization's attention.

Signature

Date

**DISCRIMINATION, SEXUAL AND OTHER HARASSMENT, AND RETALIATION
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ACKNOWLEDGEMENT OF RECEIPT

I HAVE READ AND UNDERSTOOD THE ABOVE POLICY AND PROCEDURE IN ITS ENTIRETY, AND AGREE TO COMPLY WITH IT. I ALSO ACKNOWLEDGE RECEIPT OF THE CORRESPONDING COMPLAINT FORM.

Signature: _____

Date: _____

Print Name: _____