

# The Highlands Living Center Human Resources Policy Manual

## Non-Discrimination and Non-Harassment Policy

Revised: 12/29/2022

**POLICY:** Discrimination based on any legally protected status is strictly prohibited. The Highlands Living Center has adopted a zero-tolerance policy with respect to any behavior, including verbal or physical conduct, which constitutes discrimination or harassment in any form. The Highlands Living Center thus expressly prohibits any form of unlawful employee harassment or discrimination based on an individual's age, race, religion/creed, color, national origin, sex, pregnancy, domestic violence victim status, genetic information, disability, sexual orientation, gender identity or expression, marital status, military/veteran status, sexual and reproductive health decisions (employee or dependent's) or any other status protected by applicable local, state, or federal law.

### I. COMPLIANCE

Improper interference with the ability of the organization's employees to perform their expected job duties because of an employee's protected characteristics, or for any reason, will not be tolerated. Any employee found to be engaging in any type of unlawful discrimination or harassment in violation of this policy will be subject to disciplinary action, up to and including unpaid suspension and/or termination of employment.

All employees must therefore refrain from any action or conduct which could be viewed as prohibited by this policy, including offensive and inappropriate sexual behavior or language at work and other kinds of sexual harassment; as well as other types of harassment due to an individual's protected status.

Similarly, all members of the organization's community are accountable for compliance with this policy. This policy prohibits harassment of employees, applicants, residents, volunteers, and to all visitors (including residents, contractors, and vendors) by managers, supervisors, and non-supervisory employees. Harassment of employees or applicants by outsiders, including without limitation clients, customers, contractors, suppliers and their employees who may have business with the organization, is also prohibited. The organization will take appropriate action consistent with this policy to address harassment of the organization's employees by non-employees.

Any employee or other person covered by this policy who has questions or concerns about any type of discrimination or harassment in the workplace should bring these issues to the attention of his/her supervisor, or to another manager of the organization with whom the employee feels more comfortable, or to the Human Resources Department, consistent with the Complaint Procedure outlined below.

The organization is committed to assisting victims of harassment and discrimination by taking corrective actions against violations of this policy. Thus, violations of this policy may lead to disciplinary action, up to and including unpaid suspension and/or termination.

### II. DISCRIMINATION

Discrimination involves an adverse action or decision or harassing treatment of a person or class of persons *because of* a legally protected status (e.g. age, gender, race etc.) or because of perceived or actual affiliation/association with other individuals in a protected class.

### III. HARRASSMENT

Harassment is a form of discrimination which involves unwelcome verbal, written, physical or electronic conduct that has the effect of creating an intimidating, hostile, or offensive work environment. Harassing behavior violates this policy when it subjects the individual to inferior terms, conditions, or privileges of employment because of the individual's membership in one or more protected classes.

**The Highlands Living Center  
Human Resources Policy Manual**

**Non-Discrimination and Non-Harassment Policy**

Revised: 12/29/2022

Types of behaviors based on protected class which can lead to claims of harassment include, degrading and derogatory words, graffiti, pictures, jokes, epithets, statements or stereotyping activities as well as other forms of verbal, visual or written messages of intimidation, as well as unwanted physical contact or comments or threats about physical contact and stalking.

Sexual Harassment is a form of prohibited harassment and is a form of sex discrimination. Sexual harassment involves unwelcome sexual advances, requests for sexual favors and other verbal or physical acts/conduct of a sexual or sex-based nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
3. 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. Under this definition, the following is a non-exclusive list of the types of risky behaviors that give rise to a claim of sexual harassment or may constitute sexual harassment depending on the nature, frequency, and severity of the behavior:
  - unwanted comments about an individual's body, clothing, or lifestyle which have sexual implications or which demean that individual's sexuality or gender;
  - unwanted sexual flirtations, leering, or ogling;
  - unwanted sexual advances and propositions;
  - display of sexually demeaning objects or pictures;
  - implied or direct threats or insinuations that an individual's refusal to submit to sexual advances will adversely affect the individual's status, evaluation, wages, advancement, duties or career development;
  - solicitation of sexual activity or behavior with a corresponding express or implied promise of rewards to the individual's evaluation, wages, advancement, assigned duties, or career development;
  - unwanted and intentional sexual touching, patting, pinching, or brushing another's body or clothing;
  - stalking, whether in person, telephonic or electronic in nature or sexual assault or rape.

**The Highlands Living Center  
Human Resources Policy Manual**

**Non-Discrimination and Non-Harassment Policy**

Revised: 12/29/2022

**IV. COMPLAINT PROCEDURE**

We are all responsible for maintaining a work environment free of discrimination and harassment.

If you are aware of or believe that you have been subjected to any job-related harassment, including but not limited to sexual harassment, or believe that you have been treated in an unlawful, discriminatory manner, you must promptly report the incident to your supervisor or manager. If the complaint involves your immediate supervisor or manager, or if you feel uncomfortable discussing the matter with your supervisor or manager, you should report the matter to Mike Tarantino, Human Resources Business Partner (Office 261; Phone 641-6244) or Kim O'Grady-Jones, Director of Human Resources (Office 361 Phone 641-6242), or to another manager of the organization with whom you feel more comfortable. This policy relates to all incidents of alleged discrimination or harassment, including those that occur off-premises or off-hours, and where the alleged offender is a supervisor, co-worker, or even a non-employee with whom the employee is involved, directly or indirectly, in a business or potential business relationship.

Complaints arising under this policy may be made to an individual's immediate supervisor, department manager, director or the Human Resources Department. Complaints arising may be made informally through a verbal complaint or more formally through a written report. A report form may be obtained from any contact listed above or by accessing Addendum A.

All complaints under this policy will be investigated promptly and, where appropriate, corrective action will be taken to stop the discrimination or harassment and prevent its reoccurrence. Any employee who is found to have engaged in discrimination or harassment prohibited by this policy will be subject to appropriate discipline, up to and including unpaid suspension and/or termination of employment. All information regarding an investigation of such complaints will be protected as confidential to the extent possible.

The organization prohibits any form of retaliation against any employee for filing a good-faith complaint under this policy or for participating in a complaint investigation. Any employee who is found to have engaged in retaliation prohibited by this policy will be subject to appropriate discipline, up to and including unpaid suspension and/or termination of employment.

If, after investigating any complaint of discrimination or harassment, the organization determines that the complaint was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information, up to and including unpaid suspension and/or termination of employment.

Supervisors observing or learning of any alleged incidents of harassment or discrimination should take immediate action to stop it, whenever appropriate, and should report the incident to Mike Tarantino, Human Resources Business Partner (Office 261; Phone 641-6244) or Kim O'Grady-Jones, Director of Human Resources (Office 361 Phone 641-6242). Any manager or supervisor who is made aware of harassment or discrimination and fails to report it or to take appropriate corrective action pursuant to this policy may be subject to disciplinary action, up to and including unpaid suspension and/or termination.

**V. APPEALS**

Any party to a formal investigation may appeal the decision within one week of the date of complaint response/decision. Appeals must be submitted in writing to the Human Resources Department. The Highlands Living Center will respond to an appeal within 15 business days.

**The Highlands Living Center  
Human Resources Policy Manual**

**Non-Discrimination and Non-Harassment Policy**

Revised: 12/29/2022

VI. WHISTLEBLOWER LAW

The Whistleblower Law of the State of New York prohibits taking or threatening retaliatory action, including but not limited to discharge, suspension, demotion or other adverse employment action, against an employee who brings or threatens to bring to a supervisor's or public body's attention either (1) a policy or practice of the employer that presents a substantial or specific danger to the public health or (2) a policy or practice of the employer that constitutes health care fraud. To be protected under the Whistleblower Law, however, the employee must first bring the matter to the attention of a supervisor and give the employer a reasonable opportunity to correct such activity, and an actual violation of the law (i.e., meaning not merely an employee's speculative, reasonable or good faith belief of a violation) must have been alleged.

VII. Additional Notice to Employees Required by New York State.

New York State requires that employers provide employees, applicants, contractors, and other persons conducting business with the employer with information regarding legal protections and external remedies regarding claims of sexual harassment. This information is set forth in Addendum B.

While a complainant does not need a private attorney to file a complaint with a governmental agency or with a court, complainants may seek the legal advice of an attorney. The Human Resources Department can answer questions about the non-discrimination and non-harassment policy, but no The Highlands Living Center employee or representative can provide legal advice to any complainant, respondent, or witness.

Revised: 10/09/18, 10/09/19, 1/7/20, 12/29/22

Reviewed: