

## Harassment-Free Workplace Policy

### **Sexual Harassment**

The Land Bank is committed to maintaining a work environment that is free of discrimination and harassment. Sexual harassment is a violation of the Land Bank's policy and a violation of federal, state and local laws.

Sexual harassment of any employee by another employee, manager, or non-employee (e.g., intern, volunteer, independent contractor, contract worker, vendor, client, customer or visitor), regardless of their sex or gender, is prohibited.<sup>1</sup> Sexual harassment of non-employees by our employees is also prohibited. Further, any retaliation against an individual who has complained about sexual harassment or who has cooperated with a sexual harassment investigation is also unlawful and will not be tolerated.

Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination of employment.

#### *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, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

Unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct based on an individual's sex constitutes sexual harassment when:

- Submission to the conduct is an explicit or implicit term or condition of employment; or
- Submission to or rejection of the conduct is used as the basis for decisions affecting an individual's employment; or
- The conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

Sexual harassment is not limited to the physical workplace. It can occur while employees are traveling for business or at employer sponsored events or parties. It can occur outside work hours.

#### *Examples of Sexual Harassment*

While it is not possible to list all acts which may constitute sexual harassment, it may include explicit sexual propositions or flirtations; sexual innuendo; suggestive comments; sexually oriented teasing; comments or jokes about gender-specific traits, sexual orientation, gender identity or gender expression; foul or obscene language or gestures; unwanted physical contact; the display or

---

<sup>1</sup> While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

transmission of obscene, demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs; and hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or the status of being transgender, such as interfering with the individual's ability to perform the job, bullying, or name-calling.

Sexual harassment also occurs when a person in authority tries to trade 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.

Although one joke or comment may not be enough to constitute sexual harassment, a single incident of inappropriate conduct may be enough to rise to the level of sexual harassment depending on the severity of the incident.

#### *What is Retaliation?*

Retaliation is any action that would keep an individual from coming forward to make or support a sexual harassment claim. The action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Such retaliation is unlawful under federal, state, and (where applicable) local law. Both the New York State Human Rights Law and Title VII of the Civil Rights Act of 1964 protect individuals who engage in "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 Title VII, the Human Rights Law, 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.

Retaliation against an employee who, in good faith, makes a complaint of sexual harassment will not be tolerated and will itself be subject to disciplinary action, up to and including termination of employment. Furthermore, no adverse actions will be taken against employees who report violations of this policy in good faith or participate in the investigation of such violations.

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.

#### *Reporting Sexual Harassment*

Harassment-Free Workplace Policy  
Adopted 11/19/19

Sexual harassment is a form of employee misconduct. No employee is required to submit to, or accept, sexual harassment in order to maintain their position, promotional opportunities, benefits, or to meet any other condition of employment.

Any employee or non-employee who believes they have been a target of sexual harassment or who believes the actions of another employee or non-employee constitute sexual harassment, is encouraged to immediately notify their Supervisor, the Executive Director, or Chairman of the Board.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is available from the employee's Supervisor, Executive Director, or Chairman of the Board. Individuals reporting sexual harassment on behalf of someone else should also use the complaint form.

Employees or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums as explained below.

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior, become aware of sexual harassment, or for any reason suspect that sexual harassment is occurring, are required to report such suspected behavior to the Executive Director or the board of directors. In addition to being subject to discipline if they engage in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

*Investigation of a Sexual Harassment Complaint*

ALL complaints of sexual harassment will be investigated whether the information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt and thorough. The investigation will be confidential to the extent possible. Corrective action will be taken whenever sexual harassment is found to have occurred.

All persons involved, including complainants, witnesses, and alleged perpetrators, will be accorded due process to protect their rights to a fair and impartial investigation. All employees are required to cooperate as needed in an investigation of suspected sexual harassment. Employees who participate in any investigation will not be retaliated against.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of a complaint, the Executive Director, the Chairman of the Board or other appropriate member of management will conduct a review of the allegations, and take any interim actions, as appropriate.
- Relevant documents, electronic communications, emails, or telephone records will be reviewed.
- All parties involved, including any relevant witnesses, will be interviewed.
- Written documentation of the investigation (i.e., letter, memo, or email) will be created and kept in a secure and confidential location, which will include a list of all documents reviewed; the names of those interviewed; a timeline of events; and the basis for the

decision and final resolution of the complaint, together with any corrective actions action(s).

Upon conclusion of the investigation any identified corrective actions will be taken. The individual(s) who complained and the individual(s) accused will be notified about the final determination.

#### *Legal Protections and External Remedies*

Aside from the Land Bank's internal process, employees may also choose to pursue legal remedies with several governmental entities.

The Human Rights Law ("HRL") applies to employers in New York State with regard to sexual harassment. The HRL protects employees and non-employees, regardless of immigration status. A complaint alleging violations of the HRL may be filed either with the New York State Division of Human Rights or in New York State Supreme Court.

The United States Equal Employment Opportunity Commission ("EEOC") enforces anti-discrimination laws, including Title VII of the Civil Rights Act of 1964. Sexual harassment is unlawful under Title VII. If an employee believes s/he has been discriminated against at work, s/he can file a discrimination charge with the EEOC.

Many localities enforce laws protecting individuals from sexual harassment. An individual should contact the county, city, or town in which they live to find out if such a law exists. For example, individuals who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights.

Remedies available to a target of sexual harassment may include: reinstatement, back pay, front pay, compensatory damages, punitive damages, and attorneys' fees.

#### **Other Forms of Harassment**

It is the Land Bank's policy to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment.

All employees are expected to maintain a productive work environment that is free from harassing or disruptive activity. In addition to prohibiting sexual harassment, the Land Bank also prohibits harassment on the basis of other legally protected statuses, including on the basis of: race; color; religion; creed; genetic information; national origin; sexual orientation; pregnancy, childbirth, or related medical conditions; age; disability; citizenship status; uniform service member status; military status; veteran status; predisposing genetic characteristics; domestic violence victim status; marital status; familial status; or any other protected class under federal, state, or local law.

Examples of conduct prohibited under this policy include comments, jokes, foul or obscene language or gestures, or hostile actions taken against an individual because of that individual's protected status.

Harassment-Free Workplace Policy  
Adopted 11/19/19

All employees should understand that submission to, or acceptance of, any form of unlawful harassment is not a term or condition of employment. No employee is required to submit to, or accept, any form of unlawful harassment in order to maintain their position, promotional opportunities, benefits, or to meet any other condition of employment.

Any employee or non-employee who believes they have been a target of harassment or who believes the actions of another employee or non-employee constitutes harassment, is encouraged to immediately notify your Supervisor, the Executive Director, or Chairman of the Board. All supervisors and managers who receive a complaint or information about suspected harassment, observe what may be harassing behavior, become aware of harassment, or for any reason suspect that harassment is occurring, are required to report such suspected behavior to the Executive Director or Chairman of the Board.

ALL complaints of unlawful harassment will be investigated whether the information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected harassment will be prompt and thorough. Corrective action will be taken whenever harassment is found to have occurred.

Retaliation against an employee who, in good faith, makes a complaint of unlawful harassment will not be tolerated and will itself be subject to disciplinary action, up to and including termination of employment. Furthermore, no adverse actions will be taken against employees who report violations of this policy in good faith or participate in the investigation of such violations.

## Sexual Harassment Complaint Report

If you believe that you or another person has been subjected to sexual harassment, this form may be used to file a complaint. If you are unsure what sexual harassment is kindly refer to our sexual harassment policy. When completing the form, please provide as much detail as possible as the information will be used to assist in the investigation of your complaint. Submit the completed form to the Executive Director or the Chairman of the Board of Directors.

Your Name: \_\_\_\_\_

Your Contact Information (e.g., work phone or email): \_\_\_\_\_

Name(s) of Alleged Victim(s) \_\_\_\_\_

Name(s) of Alleged Harasser(s) \_\_\_\_\_

Detailed statement of the incident(s) including dates, times, places, and names of witnesses. Attach additional sheets as needed.

---

---

---

---

---

---

---

---

---

Harassment-Free Workplace Policy  
Adopted 11/19/19

Are there documents, emails, text messages, etc. which contain information supporting the incident(s) described above? If so, please describe or attach a copy.

---

---

---

To investigate this report, it will be necessary to interview you, the alleged victim(s), the alleged harasser(s), and any witnesses with knowledge of the allegation(s). To the extent possible, the investigation and any resulting management action will be handled in a confidential manner.

Retaliation against an individual who has complained about sexual harassment or who has cooperated with a sexual harassment investigation is unlawful and will not be tolerated.

The information provided in this report is true and correct to the best of my knowledge. I am willing to cooperate fully in the investigation of my report.

Signature of Reporting Person \_\_\_\_\_ Date \_\_\_\_\_