

HARASSMENT FREE WORKPLACE POLICY (Approved by ABCRGR Delegates 05/09)

It is the policy of the American Baptist Churches of the Rochester/Genesee Region (ABCRGR) to maintain a workplace free of discrimination and harassment. ABCRGR will not tolerate harassment of any employee by a co-worker, supervisor, manager, vendor, independent contractor, or visitor on any basis, including, but not limited to an employee's: race, color, religion, gender, sexual orientation, medical condition, age, marital status, national origin, disability, veteran status, or any other characteristic protected by federal or state law or local ordinance. All of us must work together to maintain our workplace as an environment that is free from harassment. Accordingly, employees must not engage in any behavior that could be considered harassment and must also report any behavior they believe to be harassment as set forth in the "How do I Report Harassment" section below.

a. What is Harassment?

Harassment is any behavior that is not welcomed by, and is offensive to, an employee. Harassment interferes with an employee's work effectiveness and his or her enjoyment of the workplace. Essentially, it results in an intimidating, hostile, or offensive work environment for the harassed employee. Harassment may take many forms, but the most common forms include:

- Verbal harassment – such as jokes, epithets, slurs, negative stereotyping, and unwelcome remarks about an individual's body, color, physical characteristics, or appearance, questions about a person's sexual practices, or gossiping about sexual relations;
- Physical harassment – such as physical interference with normal work, impeding or blocking movement, assault, unwelcome physical contact, leering at a person's body, and threatening, intimidating or hostile acts that relate to a protected characteristic;
- Visual harassment – such as offensive or obscene photographs, calendars, posters, cards, cartoons, e-mails, drawings and gestures, display of sexually suggestive or lewd objects, unwelcome notes or letters, and any other written or graphic material that denigrates or shows hostility or aversion toward an individual, because of a protected characteristic, that is placed on walls, bulletin boards, or elsewhere on the employer's premises or circulated in the workplace.

b. What is Sexual Harassment?

Sexual harassment is defined as unwelcome sexual advances, requests, or demands for sexual acts or other verbal, nonverbal, or physical conduct of a sexual nature when:

1. submission to this conduct is made – either explicitly or implicitly – a term or condition of an individual's employment;
2. submission to or rejection of this conduct by an individual is used as the basis for employment decisions affecting the employment; or

3. the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating, or resulting in, an intimidating, hostile, or offensive work environment for the harassed employee.

Whether conduct is considered sexual harassment is determined not only by whether the harassed employee considers it as such, but also whether a reasonable person would consider it as such. Sexual harassment also includes "same-sex" harassment (i.e. harassment of a male by a male or of a female by a female).

c. Examples of Sexual Harassment

To assist employees in identifying what type of conduct may be considered sexual harassment the following list of examples is provided:

- unwanted sexual flirtations, advances or propositions;
- offering employee benefits in exchange for sexual favors;
- making or threatening reprisals after a negative response to sexual advances;
- making or using graphic or degrading verbal comments about an individual or his or her appearance;
- sexual innuendo, suggestive comments, or sexually-oriented "kidding" or "teasing";
- foul or obscene language;
- the display of sexually suggestive objects or pictures; or
- any offensive or abusive physical conduct.

This list is not all inclusive, other types of conduct or behavior may constitute sexual harassment. If in doubt, report the suspected harassment.

All such conduct, whether committed by a supervisor, co-worker, vendor, independent contractor, or visitor, whether male or female, is specifically prohibited.

d. How do I Report Harassment?

Employees who have experienced any form of harassment are encouraged to report the incident to the ABCRGR Personnel Committee or Executive Board President. Anyone who has witnessed or received a report of any form of harassment must immediately provide a written or verbal complaint to the Executive Minister unless this person is involved in the act of harassment. In that case, the report of harassment should be made to a member of the ABCRGR Personnel Committee or the Executive Board President. The complaint should include details of the incident(s), names of individuals involved, and the names of any witnesses. The important thing is that the individual bring the matter to ABCRGR's attention promptly so that any concern of harassment can be investigated and addressed promptly. From this initial report, an

investigation will take place. It is critical, however, that employees be able to freely choose whether they will report the harassment and to whom they will report.

All reported complaints regarding incidents of harassment will be investigated. Complaints will be kept as confidential as possible. The ABCRGR Personnel Committee or designated representatives will promptly undertake a reasonable and objective investigation of the harassment allegations. The investigation will be completed and a determination regarding the harassment alleged will be made and communicated to the employee(s) who complained and to the accused harasser(s).

All employees and supervisors have a duty to cooperate in the investigation of alleged harassment. Failing to cooperate or deliberately providing false information during an investigation shall be grounds for disciplinary action, including termination of employment.

If ABCRGR determines that harassment has occurred, it will take effective remedial action commensurate with the circumstances. Appropriate action will also be taken to deter any future harassment. If a complaint of harassment is substantiated, appropriate disciplinary action, up to and including discharge, will be taken. Whatever action is taken against the harasser will be communicated to the employee(s) who complained.

e. Protection Against Retaliation

ABCRGR policy and New York law prohibit retaliation against any employee by another employee or by the company for using this complaint procedure or for filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by any federal or state enforcement agency.

Any report of retaliation by the one accused of harassment or any other person will also be promptly and reasonably investigated. If a complaint of retaliation is substantiated, appropriate disciplinary action, up to and including discharge, will be taken, consistent with the employee's at-will status.

f. Additional Enforcement Information

In addition to ABCRGR's internal complaint procedure, employees should also be aware that the federal Equal Employment Opportunity Commission (EEOC) and the [applicable state department or agency, if applicable] investigate and prosecute complaints of harassment in employment. Employees have the right to report allegations of illegal discrimination to the appropriate agency, and retaliation for exercising this right is prohibited by ABCRGR.

For more information, contact the ABCRGR Personnel Committee or the nearest office of the EEOC or New York State, as listed below.

EEOC: 6 Fountain Plaza
Suite 350
Buffalo, NY 14202
Phone: 1-800-669-4000

[NY State]: Rochester
New York State Division of Human Rights
One Monroe Square, 259 Monroe Ave., Suite 308
Rochester, New York 14607
Telephone No. (585) 238-8250
InfoRochester@dhr.state.ny.us

g. Responsibility

Managers and supervisors are responsible for maintaining a working environment in which employees are free from intimidation or harassment.

Employees are responsible for compliance with ABCRGR's Harassment Free Workplace Policy and for reporting violations or suspected violations of this policy or of instances of harassment as described above. Managers and supervisors are responsible for immediately contacting the ABCRGR Personnel Committee whenever suspected harassment is reported to them.

Violation of this policy will result in discipline, up to and including discharge from employment.