

PARKER JEWISH INSTITUTE FOR HEALTH CARE AND REHABILITATION		
HUMAN RESOURCES POLICY AND PROCEDURE		
SUBJECT:	DISCRIMINATION, SEXUAL AND OTHER FORMS OF HARASSMENT	NUMBER: 6040.31
EFFECTIVE DATE:	01/01/2025 SUPERSEDES: ALL PRIOR	PAGE: 1 OF 7

POLICY: All employees, applicants, residents, agency personnel, guests, or visitors in any form, have a right to an environment free of sexual harassment and all types of discrimination based on race, color, creed, religion, sex, national origin, citizenship status, age, marital status, sexual orientation, gender identity or disability. Parker has a zero-tolerance policy for any form of discrimination, including sexual harassment.

PURPOSE: To comply with all applicable statutes and regulations governing discrimination, sexual, and other forms of harassment.

1. Discrimination

No employment or workplace related decisions, including hiring, termination of employment, promotion or demotion, will be based on or take into account any applicant's or employee's race, color, creed, religion, sex, national origin, citizenship status, age, marital status, sexual orientation, gender identity or disability.

2. Sexual Harassment

- a) Parker is committed to maintaining a workplace free from sexual harassment. Sexual harassment of employees, agency personnel, applicants for employment, residents, guests, or visitors in any form, is unacceptable conduct which is unlawful and will not be tolerated. Sexual harassment is a form of sex discrimination and is unlawful.
- b) Sexual harassment includes unwelcome conduct, sexual advances, requests for sexual favors, and other conduct directed at an individual because of that individual's sex when:
 - c) 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;
 - d) Such conduct is made either explicitly or implicitly a term or condition of employment;
 - e) Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment;
 - f) No supervisor or other employee shall threaten or insinuate, either explicitly or implicitly, that another employee's or applicant's refusal to submit to sexual advances will adversely affect that person's employment, work status, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development. Similarly, no employee shall promise, imply or grant any preferential treatment in connection with another employee or applicant for engaging in sexual conduct. Neither submission to, nor rejection of, sexual advances will affect an employee's terms or conditions of employment.

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.

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- a. Physical assaults of a sexual nature, such as; touching, pinching, patting, grabbing, brushing against another employee’s body or poking another employees’ body;
- b. Rape, sexual battery, molestation or attempts to commit these assaults.
- c. 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;
- d. Subtle or obvious pressure for unwelcome sexual activities. Sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience, which create a hostile work environment.
- e. Sexual or discriminatory displays or publications anywhere in the workplace, such as: 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.
- f. Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity and the status of being transgender, such as:
- g. Interfering with, destroying or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job;
- h. Sabotaging an individual’s work; bullying, yelling, name-calling.

Unlawful sexual harassment is not limited to the physical workplace itself and 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 unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

3. Other Harassment

Any intimidation of a verbal or physical nature is unacceptable and has no place in the Institute’s workplace. Each employee is responsible for maintaining acceptable standards of personal behavior and for assuring that all other employees are free to work in a businesslike atmosphere, without intimidation or harassment.

4. Complaint Procedure

All complaints or information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Employees who participate in any investigation will not be retaliated against. Investigations will be done in accordance with the following steps:

Upon receipt of complaint, Human Resources will conduct a review of the allegations, and take any interim actions, as appropriate. If complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If they refuse, prepare a Complaint Form based on the oral reporting.

- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - a) A list of all documents reviewed, along with a detailed summary of relevant documents;
 - b) A list of names of those interviewed, along with a detailed summary of their statements;
 - c) A timeline of events;
 - d) A summary of prior relevant incidents, reported or unreported; and
 - e) The final resolution of the complaint, together with any corrective actions action(s).
 - f) Keep the written documentation and associated documents in the employer's records.
 - g) Promptly notify the individual who complained and the individual(s) who responded of the final determination and implement any corrective actions identified in the written document.
 - h) Inform the individual who complained of their right to file a complaint or charge externally as outlined below.

- New York State Division of Human Rights (DHR)
- United States Equal Employment Opportunity Commission (EEOC)
- Local Protections
- Contact the Local Police Department

5. No Retaliation for Reporting Harassment or Assisting In An Investigation

Unlawful retaliation can be any action that would keep a worker from coming forward to make or support a sexual harassment claim. Adverse 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. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- a. filed a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- b. testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- c. opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- d. complained that another employee has been sexually harassed; or
- e. encouraged a fellow employee to report harassment.

6. Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. Parker cannot prevent or remedy sexual harassment unless such incidents are reported. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to their supervisor, manager or Human Resources. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to their supervisor, manager or Human Resources. Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee’s behalf.

7. Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to Human Resources. In addition to being subject to discipline if they engaged 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. Supervisors and managers will also be subject to discipline for engaging in any retaliation.

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Complaint Form for Reporting Sexual Harassment

COMPLAINANT INFORMATION

Name:

Home Address:

Work Address:

Home Phone:

Work or Cell Phone:

Job Title:

Email:

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Job Title:

Work Phone:

Work Address:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made against:

Name:

Job Title:

Work Address:

Work Phone:

Relationship to you: ____ Supervisor ____ Subordinate ____ Co-Worker ____ Other

2. Please describe the conduct or incident(s) that is the basis of this complaint and your reasons for concluding that the conduct is sexual harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? ____ Yes ____ No

4. Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:

The last two questions are optional, but may help facilitate the investigation.

5. Have you previously complained or provided information (verbal or written) about sexual harassment at Parker Jewish Institute? If yes, when and to whom did you complain or provide information?

6. Have you filed a claim regarding this complaint with a federal, state or local government agency?

____ Yes ____ No

Have you instituted a legal suit or court action regarding this complaint?

____ Yes ____ No

Have you hired an attorney with respect to this complaint?

____ Yes ____ No

I request Parker Jewish Institute investigate this complaint of sexual harassment in a timely and confidential manner as outlined below, and advise me of the results of the investigation.

Signature: _____ Date: _____