



ARCHDIOCESE OF NEW YORK

Workplace Anti-Discrimination, Harassment and Retaliation Policy

The Employer is committed to maintaining a workplace that is free from all forms of unlawful discrimination, harassment, and retaliation including sexual harassment and harassment based on gender, age, race, national origin, color, sexual orientation, marital status, religion, disability, pregnancy, childbirth, or related medical condition, veteran status, caregiver or familial status, criminal conviction status, domestic violence victim status, unemployment status, or any other category protected by federal, state, or local law.

No employee or other individual covered by this policy shall engage in conduct that constitutes discrimination, harassment, sexual harassment, retaliation, or bullying. Not only is this conduct a violation of this policy, but it is also unlawful under federal, state, and applicable local laws. Accordingly, the Employer will not tolerate discrimination or harassment in any form by employees, vendors, or visitors (including independent contractors and interns) or non-employees.¹ This commitment extends to harassment by any employee, vendor, or visitor, regardless of his/her position. This policy extends to all aspects of the Employer's employment practices, including recruiting, hiring, discipline, terminations, promotions, transfers, compensation, benefits, training, leaves of absence, and other terms and conditions of employment.

To ensure equal opportunity to all employees, the Employer will provide reasonable accommodations to any employee who requires one on the basis of the employee's disability or medical condition (including pregnancy, childbirth and related conditions), religious observance, or status as a victim of domestic violence or sex trafficking, so long as the accommodation does not cause an undue burden to the Employer and does not pose a direct threat to the health or safety of others in the workplace or to the individual.

Any employee who violates this policy – including any supervisor or managerial personnel who knowingly allows such behavior to continue and/or fails to report such behavior -- will be considered to have committed employee misconduct, and will be subject to appropriate disciplinary action, including suspension without pay and/or termination of employment. Appropriate corrective action will similarly be taken with regard to any violation of this policy by a non-employee.

To ensure all employees understand their rights and responsibilities to ensure a respectful workplace, the Employer will offer its employees annual training on recognizing, preventing, and remedying unlawful discrimination, harassment, and sexual harassment. Employees are required to participate in this training annually and should contact their supervisors or Human Resources with any questions they have, or to receive the training. Employees who do not comply with the training requirements are subject to disciplinary action.

¹ A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services at the institution or for the institution.

Definitions and Examples

Prohibited harassment can take many forms. It may include, but is not limited to:

1. **Verbal harassment**, such as making a joke or comment that refers to a certain protected category or status (noted above), epithets, derogatory comments, vulgar or profane words, and expressions or slurs;
2. **Physical harassment**, such as an unwelcome touching, assault, blocking, impairing, or otherwise physically interfering with an individual's normal work or movement;
3. **Visual forms of harassment**, such as derogatory posters, cartoons, drawings, e-mail, computer screen savers, graffiti, or photographs;
4. **Sexual harassment**, Examples of sexual harassment may include, but are not limited to:
 - Unwelcome or unwanted sexual advances. This includes physical contact and verbal contact of a sexual nature which is considered unacceptable or unwelcome by another individual.
 - Requests or demands for sexual favors. This includes expressed and implied, subtle or blatant pressure or requests for sexual favors accompanied by any implied or expressed promise of preferential treatment or negative consequences concerning an employee's employment status (also known as "quid pro quo" sexual harassment).
 - Verbal abuse or comments which are sexually oriented and considered unacceptable by another individual. This includes comments or compliments which extend beyond mere courtesy, and jokes which are unwelcome or of a nature that is offensive to others.
 - Sexually oriented conduct that has the purpose or effect of unreasonably interfering with the work performance of another. This includes unwanted sexual attention that reduces personal productivity or interferes with the performance of assigned tasks.
 - Creating a work environment that is intimidating, hostile, or offensive because of unwelcome or unwanted sexually oriented conversation, suggestions, requests, demands, physical contact, or attention.
 - Unwelcome conduct based on a person's gender, even if the conduct is not necessarily sexual in nature, and even if the complaining individual is not the intended target of the harassment.

It is important to note that harassment and sexual harassment can occur in the workplace, or at Employer social events, activities, or off-campus work assignment. Calls, texts, emails, and social media usage can also constitute unlawful harassment, even if the conduct occurs away from the workplace premises or not during work hours.

Normal, courteous, respectful, and non-coercive interaction between individuals that conforms to this policy and is acceptable to both individuals involved is not harassment.

Reporting All Forms of Discrimination and Harassment

If an individual believes that he/she has been subject to discrimination or harassment, he/she is encouraged, but not required, to make his/her unease and/or disapproval directly and immediately known to the harasser whenever possible. If the situation is not immediately resolved, or if the employee is unable to or uncomfortable with addressing the alleged harasser directly, he/she should report the incident to Ella O'Sullivan, Executive Director of Human Resources at the Human Resources Office at (646) 794-3034 (ella.osullivan@archny.org) or by submitting a complaint in writing in accordance with the Complaint and Investigation Procedure of this policy.

It is important to report concerns of harassment, regardless of the seriousness, to the Human Resources Office or a department director or supervisor as soon as possible. The Employer cannot assist in stopping any harassment from continuing if it is unaware of the problem. Reports of alleged harassment or discrimination will be investigated in a timely and thorough manner consistent with the Complaint and Investigation Procedure outlined below.

In addition, individuals who witness, observe, or hear about workplace discrimination or harassment – even if they are not the intended recipients of the conduct -- are encouraged to bring it to the attention of their supervisor or to Human Resources as soon as possible. As stated above, the Employer cannot remediate any improper or unlawful conduct of which it is unaware.

Supervisors and managers have an additional duty to report witnessed or suspected discrimination, harassment, sexual harassment, or retaliation to their department directors or Human Resources. It is important for supervisors and managers to report these incidents immediately. Supervisors or managers who ignore or fail to report violations of this policy expeditiously may themselves be subject to discipline, up to and including termination. Any supervisor or manager who needs additional guidance on responding effectively to employee complaints should speak with the Executive Director of Human Resources for more information.

Complaint and Investigation Procedure

The Employer believes effective communication is vital to the success of the Employer's mission and the professional growth of all employees. The complaint procedure ensures the accessibility of department directors and supervisors, as well as the Human Resources Office, to all individuals so they may freely discuss management problems, suggestions, and employment related subjects relative to the working environment and mission of the Employer. The Human Resources Office has the overall responsibility for maintaining this procedure. All individuals are encouraged to bring their employment issues and concerns to the attention of the Human Resources Office. This procedure is aimed at fostering a professional atmosphere of mutual respect and understanding.

If an individual feels that he or she has been the victim of, or witnessed, prohibited conduct under this policy, the following steps are to be followed:

1. The individual should complete a written complaint form (see attached standard form). A detailed and accurate complaint form helps the Employer understand the nature of the complaint and will assist it in conducting a prompt, thorough, and objective investigation. The individual does not need to use the standard form to report an incident of discrimination, harassment, or sexual harassment; however, it is preferred. If an employee makes a report in another fashion, such as a verbal report or other form of writing, the Employer may still require the employee to complete the standard form.

2. The individual should submit the complaint form to the attention of the individual's department director, unless the complaint concerns the department director, in which case it should be sent directly to the Executive Director of Human Resources at 1011 1st Avenue, 16th Floor, NY, NY 10022, or at (646) 794-3034. If the individual does not feel comfortable submitting the complaint form to his or her department director, he or she may submit it directly to the Executive Director of Human Resources. Any manager or department director who receives a complaint of prohibited conduct under this policy, whether verbally or in writing, should instruct the employee to complete the complaint form, and must report the complaint to Human Resources immediately. Managers and department directors should not wait for the individual to complete a complaint form and should report the incident immediately.
3. The Human Resources department will then take any appropriate interim steps needed, and conduct a prompt, thorough, and objective investigation. The investigation will be conducted with as much confidentiality as possible consistent with the need to thoroughly investigate the claims made and take appropriate corrective action. Ordinarily, an investigation will include an interview with the victim, the alleged harasser, and any other person who may provide relevant information, and reviewing any relevant documents or policies concerning the claims.
4. The Executive Director of Human Resources is expected to address the complaint and will inform the complainant and the subject of the complaint of the outcome or status of the investigation, within 10 working days of the conclusion of the investigation.

Any employee who refuses to assist the Employer in its investigation, or otherwise obstructs the prompt, thorough and objective investigation of the Employer into an allegation of conduct prohibited by this policy, will be subject to appropriate disciplinary action, up to and including termination.

Retaliation Prohibited

No employee will be subjected to any form of retaliation for making a good faith complaint under this policy or for assisting in the investigation of any such complaint. Retaliation, like discrimination or harassment, is unlawful under federal, state, and applicable local law. Any employee (including supervisors) who retaliates against an employee for making a complaint or testifying in or assisting in an investigation under this policy – or a supervisor who knowingly allows retaliation to occur – will be subject to appropriate disciplinary action, up to and including termination.

Under this policy, “participating” in an investigation includes internal investigations as well as investigations or hearings conducted by any agency or judicial body charged with enforcing applicable equal opportunity laws. Retaliation is prohibited even if the underlying conduct complained of was found not to constitute unlawful discrimination or harassment under this policy, so long as the complaint was made in good faith.

If any employee believes he or she has been the subject of retaliation for reporting prohibited conduct or participating in an investigation under this policy, he or she should follow the reporting and complaint procedures outlined above.

Enforcement and Remedies

The Employer believes the best way to prevent and resolve issues of suspected workplace harassment is through the vigilance of its managers and staff, and the reporting mechanisms above. Harassment, discrimination, sexual harassment, and retaliation are all violations of Employer policy and the law, specifically Title VII of the 1964 federal Civil Rights Act, the New York State Human Rights Law, and other local laws that may apply.

The Employer takes seriously its responsibilities and obligations to provide a discrimination and harassment free workplace to all individuals. To that end, the Employer encourages all individuals to immediately report instances of discrimination, harassment, sexual harassment, or retaliation in accordance with this policy. It is imperative that these instances be reported to the Employer so that remedial action can be taken if necessary, and to further create an atmosphere free of discrimination and harassment for employees.

Individuals who believe they have been subject to harassment or sexual harassment under this policy may also pursue their remedies in federal or state court, or may contact any of the following administrative agencies to file a complaint:

- Equal Employment Opportunity Commission
New York Office, 33 Whitehall Station
New York, New York 10004
Phone Number: (800) 669-4000
Fax Number: (212) 336-3790
Website: <https://www.eeoc.gov/>
- New York State Division of Human Rights
One Fordham Plaza
Bronx, New York 10458
Phone Number: (718) 741-8400 / (888) 392-3644
Fax Number: (718) 741-8322
Email: complaints@dhr.ny.gov
Website: <https://dhr.ny.gov/>
- New York City Commission on Human Rights
22 Reade Street
New York, NY 10007
Phone Number: (718) 722-3131
Website: <https://www1.nyc.gov/site/cchr/index.page>
- Westchester County Human Rights Commission
112 East Post Road, 3rd Floor
White Plains, New York 10601
Phone Number: (914) 995-7710
Fax Number: (914) 995-7720
Website: <https://humanrights.westchestergov.com/>

- Sullivan County Human Rights Commission
100 North Street
Monticello, New York 12701
Phone: 845-807-0189
Email: Ari.Mir-Pontier@co.sullivan.ny.us
Website: <https://sullivanny.us/Departments/Humanrights>
- Rockland County Human Rights Commission
50 Sanatorium Road, Bldg K
Pomona, New York 10970
Phone: 845-364-3884
Website: <https://rocklandgov.com/departments/human-rights/contact-human-rights/>
- Orange County Human Rights Commission
40 Matthews Street, Suite 301
Goshen, New York 10924
Phone: 845-615-3680
Email: humanrights@orangecountygov.com
Website: www.orangecountygov.com/1108/Human-Rights

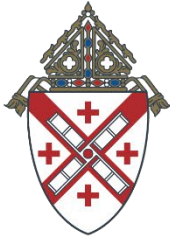
If the alleged harassing involves physical touching, coerced physical confinement or coerces sexual acts, the conduct may also constitute a crime. If this occurs, individuals may contact the police department directly.

Should you have any questions on this policy, please contact:

Ella O’Sullivan, Executive Director of Human Resources, at (646) 794-3034.

The Employer’s Religious Character

The Employer is a religious organization and its employment practices and policies, including this one, shall conform to the authentic teaching of the Catholic Church.



ARCHDIOCESE OF NEW YORK

Attachment - Complaint Form, Page 1 of 2

The Archdiocese of New York (“ADNY”) is committed to a discrimination, harassment, sexual harassment, and retaliation-free workplace. To help ADNY investigate, correct, and prevent unlawful and improper workplace conduct, we have adopted a comprehensive Anti-Discrimination, Harassment and Retaliation Policy that includes this complaint form for employees to report alleged instances of conduct that violates that Policy.

If you believe that you have been subjected to discrimination, harassment, sexual harassment or retaliation in violation of our Policy, you are encouraged to complete this form and submit it to the Executive Director of Human Resources, Ella O’Sullivan, at ella.osullivan@archny.org. Once you submit this form, ADNY will follow its policy to conduct a prompt, thorough and objective investigation of the claims.

COMPLAINANT INFORMATION

Name:	
Home Address:	Work Address:
Home Phone:	Work Phone:
Job Title:	Email:
Preferred Communication Method:	

SUPERVISORY INFORMATION

Immediate Supervisor’s Name:	
Work Address:	Work Phone:
Job Title:	Email:

Attachment - Complaint Form, Page 2 of 2

COMPLAINANT INFORMATION

1. Your complaint of discrimination, harassment or retaliation is made against:

Name:	
Work Address:	Work Phone:
Job Title:	Email:
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 prohibited discrimination/harassment/retaliation. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) discrimination/harassment/retaliation occurred:

- Is the discrimination, harassment or retaliation continuing? Yes – No

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

I request that ADNY investigate this complaint in a timely and confidential manner as outlined in its Workplace Anti-Discrimination, Harassment and Retaliation Policy, and advise me of the results of the investigation.

Signature: _____ Date: _____

Print Name: _____

Received By: _____ Date: _____

Print Name: _____