*NOTE:* *This policy is written to comply with specific New York City/State requirements that are not necessarily mandated by Federal Law, and to reflect the author organization’s particular operational preferences.*

**EQUAL EMPLOYMENT OPPORTUNITY POLICY & POLICY AGAINST HARASSMENT**

 **A. Equal Employment Opportunity Policy**

[Organization Name] is an equal opportunity employer and is firmly committed to complying with all federal, state and local equal employment opportunity laws. No employee or applicant shall be discriminated against because of race, color, age, sex or sexual and other reproductive health decision making, religion, national origin, sexual orientation, transgender status, marital status, domestic partner status, disability, genetic predisposition or carrier status, citizenship or military status or any other characteristic protected by law. This policy applies to all terms and conditions of employment including recruitment, hiring, training, assignment, performance evaluation, compensation and termination. It is the [Organization Name] policy to provide equal benefits to employees with spouses and employees with domestic partners.

[Organization Name] will provide reasonable accommodation to otherwise qualified employees and prospective employees with a disability and to employees and prospective employees with needs related to their religious observance or practices. What constitutes a reasonable accommodation depends on the circumstances and thus will be addressed by the [Organization Name] on a case-by-case basis.

 **B. Immigration Reform and Control Act**

We comply with the Immigration Reform and Control Act of 1986 which requires us to attest to the U.S. Government that all persons we hire are legally entitled to work in the United States. In order to comply with this law, we must verify your identity and your right to work in the United States. All new employees will be required to complete the INS Employment Eligibility Verification Form I-9.

 **C. Policy Against Harassment**

In general: [Organization Name] prohibits conduct that constitutes or could lead or contribute to harassment based on race, color, age, sex, religion, national origin, sexual orientation, transgender status, marital status, domestic partner status, disability, genetic predisposition or carrier status, citizenship or military veteran status or any other characteristic protected by law. Examples of such conduct are:

* racial or ethnic slurs;
* distribution of racially offensive e-mail; and
* threatening, intimidating, or hostile acts directed at a particular sex or religion or directed at an individual because of his or her sexual orientation or color.

Harassment does not require an intent to offend. Thus, inappropriate conduct meant as a joke, a prank, or even a compliment can lead or contribute to harassment.

Sexual harassment: Sexual harassment is a specific type of discriminatory harassment and includes harassment or unwelcome conduct that is based on sex, sexual orientation, self-identified or perceived sex, gender expression or gender identity.According to the EEOC’s guidelines, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when: (1) submission to such conduct is made 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 the 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 working environment.

Unlawful workplace harassment can occur in the physical workspace, while an employee is traveling for business, or at a work event or party. Calls, texts, emails, and social media usage by employees can also constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

[Organization Name] prohibits conduct that constitutes or could lead or contribute to sexual harassment and an intimidating, hostile, or offensive working environment. Examples of such conduct are:

* unwelcome sexual flirtations, advances or propositions;
* inappropriate touching of an individual’s body including pinching, patting, poking, hugging, grabbing, and brushing up against another;
* verbal comments about an individual’s body or appearance;
* sexually oriented gestures, noises, remarks or jokes, or comments about sexuality or sexual experience;
* sexually degrading words used to describe an individual;
* displaying, distributing,or sharing pictures, posters, images, messages, calendars, objects, or promotional, reading or other materials that are sexually explicit, demeaning or pornographic while in the workplace or through the use of computers (including via the Internet) or the e-mail system;
* interfering with, destroying or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job;
* sabotaging work;
* intimidation, bullying, yelling or name-calling, or engaging in jokes or pranks which are of a sexual nature or which are directed at an individual because of that individual’s sex, sexual orientation, self-identified or perceived sex, gender expression or gender identity.

Additional rules apply to individuals with supervisory authority at [Organization Name]. No one with a supervisory role is at any time to: (1) threaten or imply that an individual’s submission to or rejection of a sexual advance will in any way influence any decision regarding that individual’s employment, performance evaluation, advancement, compensation, assignments, discipline, discharge, or any other term or condition of employment; or (2) make any employment decision concerning an individual on such a basis.

**D. Reporting Violations of Equal Employment Opportunity and Harassment Policies**

Any individual who believes that a violation of the Equal Employment Opportunity Policy or the Policy Against Harassment has occurred is urged and expected to report promptly the relevant facts to [insert Title #1] or [insert Title #2] (whichever the employee considers most appropriate). You should report the conduct regardless of the offender’s position and should also report the conduct even if the offender is not employed at [Organization Name] (for example, a volunteer, client, or vendor) Reporting Forms are available from the Human Resources Manager and can also be found [insert locale’s/name of resources, as applicable]. Your prompt reporting is very important so that [Organization Name] can take action to stop the conduct before it is repeated. All reports will be followed up on promptly, with further investigation conducted where needed to confirm facts or resolve disputed facts. In conducting its investigations, [Organization Name] will strive to keep the identity of individuals making reports as confidential as possible. Individuals with supervisory authority must report any complaint or information about suspected harassment that they receive, or any harassment that they observe or become aware of, to [insert Title #1, as above] or [insert Title #2, as above].

Appropriate disciplinary action (up to and including unpaid suspension and/or termination of employment) will be taken against [Organization Name] personnel found to have violated the Equal Employment Opportunity Policy or the Policy Against Harassment. Individuals who violate these policies may also be subject to legal and financial liability.

**E. Workplace Violence**

The purpose of this policy is to ensure all employees of a safe workplace free from aggressive, threatening, violent acts or threatening language. To ensure safety, [Organization Name] has adopted a zero tolerance stance towards any sort of inappropriate conduct and behavior of this type. It is considered the duty and responsibility of all employees to prevent violence in the workplace. Therefore, all employees have an obligation to report any and all incidences of violence and/or inappropriate conduct/behavior immediately to their supervisor, and [insert Title].In conducting its investigations, [Organization Name] will strive to keep the identity of individuals making reports as confidential as possible. Any and all employees in violation of this policy will be subject to discipline up to and including suspension without pay and/or discharge.

**F. No Retaliation**

Threats or acts of retaliation against individuals because they reporta violation of these policies,inappropriate conduct pursuant to these policies or provide information in connection with a report by another individual is unlawful under federal, state, and (where applicable) local law and will not be tolerated. An adverse action need not be job-related or occur in the workplace in order to constitute unlawful retaliation (e.g. threats of physical violence outside of work hours). In the event you believe that you have been threatened or retaliated against for having made such a report, you should use the above procedures. [Organization Name] will investigate and take appropriate action in the manner described above. Laws against retaliation are not however, intended to protect persons making intentionally false charges of harassment

**G. Acting in Good Faith**

Anyone filing a complaint concerning a violation or suspected violation of the ethical and legal standards noted above must act in good faith and have reasonable grounds for believing the information disclosed may indicate a violation of such standards. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

**H.** **Legal Protections and External Remedies**

If you believe that your rights have been violated, you may also file a complaint with federal, state or local agencies.

The Human Rights Law, codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed with the Division of Human Rights. Complaints may be filed any time within one year of the alleged harassment and there is no cost to file.

The Division of Human Rights may be contacted at (888) 392-3644 or visit [dhr.ny.gov/complaint](https://dhr.ny.gov/complaint) for more information about filing a complaint.

Alternatively, a complaint may be filed under the Human Rights Law in New York State Supreme Court within three years of the alleged harassment. You may not do both, and reporting a violation to the Foundation does not extend the time available for filing a complaint under the Human Rights Law.

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment and there is no cost to file.

The EEOC can be contacted at (800) 669-4000 (TTY: 1-800-669-6820), via email at info@eeoc.gov, or by visiting their website at [www.eeoc.gov](http://www.eeoc.gov).

There are other local protections that may be available as well. Employees who work in New York City may file a complaint of sexual harassment with the Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, NY; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml). In the event that the harassment involves unwanted physical touching, coerced physical acts or confinement, or other actions that may constitute a crime, contact the local police department.

N.Y. Labor Law § 203-e applies to all employers in New York State with regard to sexual and other reproductive health decision making and prohibits discrimination or retaliatory action with respect to compensation, terms, conditions or privileges of employment because of or on the basis of reproductive health decision making. Employers may not require an individual to sign a waiver or other document that denies the individual the right to make their own reproductive health care decisions, including but not limited to the decision to use a particular drug, device or medical service, and may not access the personal information of an employee, or her/his dependent, regarding same.

A civil action in any court of competent may be brought for violations of the law. The remedies available exceed those generally available in other discrimination cases and include but are not limited to back pay, benefits, and reasonable attorneys’ fees and costs, as well as injunctive relief. Liquidated damages may also be available.