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NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

HKC is committed to a work environment that is free from harassment and discrimination and in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including any form of harassment, including sexual harassment, and discrimination. HKC expects that all relationships among persons in the workplace will be business-appropriate and free of bias, prejudice, and harassment.

DEFINITIONS OF HARASSMENT

Sexual harassment constitutes discrimination and is illegal under federal (Equal Employment Opportunity Commission), state (NY State Human Rights Law), and local laws. For the purposes of this policy, sexual harassment is defined as:

- 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 verbal or physical conduct of a sexual nature when, for example:
 - (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 - (iii) 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.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. These behaviors may include, but are not limited to:

- unwanted sexual advances or requests for sexual favors;
- sexual jokes and innuendo;
- verbal abuse of a sexual nature;
- commentary or questions about an individual's body, sexual experience, romantic history or sexual deficiencies;
- gender stereotyping
- leering, catcalls or touching, pinching, patting, kissing, hugging or grabbing or brushing against another person's body;
- insulting or obscene comments or gestures;

- display or circulation in the workplace of sexually suggestive objects or pictures (including through E-mail);
- intimidation or physical violence of a sexual nature;
- and other physical, verbal or visual conduct of a sexual nature.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be of any gender. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee (such as interns and contractors).
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

Gender-based harassment — that is, harassment not involving sexual activity or language (e.g., male manager yells only at female employees and not males) — may also constitute discrimination if it is directed at employees because of their gender.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of their race, color, religion, age, national origin, disability, marital status, sexual orientation, gender identity or expression, citizenship or veteran status or any other protected characteristic including racially-associated hairstyles and religiously-required attire and facial hair, as established by law or that of their relatives, friends or associates, and that:

- (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment;

- (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or
- (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to epithets, slurs or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group.

Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics.

The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. **Not intending to harass is not a defense. The impact of the behavior on a person is what counts.**

WHERE CAN SEXUAL HARASSMENT OCCUR?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

INDIVIDUALS AND CONDUCT COVERED

These policies apply to all employees, interns, volunteers, applicants, and anyone on HKC property and prohibit harassment, discrimination, and retaliation whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to HKC (*e.g.*, an outside vendor, consultant, or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.

Individuals found to be engaging in sexual harassment or any other form of harassment, as well as supervisory and managerial personnel who knowingly allow such behavior to continue will be subject to disciplinary action.

Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior.

Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

RETALIATION

Retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports is illegal; and like harassment or discrimination itself, will be subject to disciplinary action.

These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as “difficult” and excluding them from projects to avoid “drama”;
- Undermining an individual’s immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.

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.

COMPLAINT PROCEDURE

Reporting an Incident of Harassment, Discrimination or Retaliation

HKC strongly encourages the reporting of all incidents of discrimination, harassment, or retaliation, regardless of the offender’s identity or position. Individuals who believe they have experienced or witnessed conduct that they believe is contrary to HKC’s policy, is illegal, or who have concerns about such matters should file their complaints with their supervisor, the HR Manager, the Chief of Staff, or the Board President *before* the conduct becomes severe or pervasive but may file at any time. Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of one of the other HKC designated representatives identified above.

Early reporting and intervention have proven to be the most effective methods of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, HKC strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. HKC will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of its staff/employees.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that their behavior is unwelcome and requesting that it be discontinued.

Reports of harassment may be made verbally or in writing. Individuals are encouraged to file their complaint using the complaint form but are not required to do so. ***Paper forms are available in each site administrative office, the online form can be found at www.camphkc.org/complaintform or on the HKC website <https://www.camphkc.org/work-hkc/Employment%20Documents>***

Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. Managers and supervisors are required to report any complaint they receive or any harassment that they may observe or become aware of to the Chief of Staff. Failure to do so may result in disciplinary action.

The Investigation

Any reported allegations of harassment, discrimination, or retaliation will be investigated promptly, thoroughly and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

The investigation process includes the following steps:

- Review of the allegation
- Gathering of relevant documents including emails or phone records
- Interviewing of parties involved and any relevant witnesses
- Written documentation of the investigation, which includes list of documents reviewed, list of people interviewed and summary of statements, timeline of events, summary of prior relevant incidents, decision and final resolution of complaint including any corrective action.
- Notification to complainant and individual against whom complaint was made of final determination and responsive action

Responsive Action

Misconduct constituting harassment, discrimination, or retaliation will be dealt with promptly and appropriately as HKC believes suitable under the circumstances. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, temporary suspension without pay, or termination. In addition to any required disciplinary action, HKC will also take steps to

ensure a safe work environment for the employee(s) who experienced the discrimination or harassment.

LEGAL PROTECTION AND EXTERNAL REMEDIES

Individuals who have questions or concerns about these policies should talk with the Chief of Staff. If an employee making a complaint does not agree with its resolution, the employee may appeal to HKC's CEO or the Board of Directors.

Individuals who believe they have experienced or witnessed conduct that they believe is contrary or illegal may choose to file the complaint externally. Be aware that making an internal complaint does not extend the time to file an external complaint. Some of these external forums include:

NY State Division of Human Rights (DHR) or New York State Supreme Court

- www.dhr.ny.gov/complaint | 888-392-3644
- Complaints with DHR may be filed within one (1) year of the alleged harassment.
- Suits may be brought directly in state court under the NY State Human Rights Law within three (3) years of the alleged harassment.
- Employees are protected under Executive Law article 15, Section 290 et seq.

U.S. Equal Employment Opportunity Commission (EEOC)

- www.eeoc.gov | 800-669-4000
- Complaints with EEOC may be filed within 300 days from the alleged harassment.
- If the EEOC determines that there is reasonable cause to believe harassment has occurred they will issue a Right to Sue letter to the complainant permitting them to file in federal court or may file on their behalf.
- Employees are protected under Title VII of the 1964 Civil Rights Act

Localities

Individuals may be able to file with their local county, city, or town.

- New York City Commission on Human Rights: www.nyc.gov/HumanRights | 311 or 718-722-3131
- Rockland County Human Rights Commission: www.rocklandgov.com/departments/human-rights | 845-364-3886
- Suffolk County Human Rights Commission: www.suffolkcountyny.gov/Departments/HumanRightsCommission | 631-853-5480

Harassment that involves unwanted physical touching, coerced physical confinement or coerced sex acts may constitute a crime and should be reported to your local police department.

CONCLUSION

These policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or an individual with any other protected characteristic, from participating in business or work-related social activities or discussions in order to avoid allegations of harassment.

The law and the policies of HKC prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges, and perquisites of employment. The prohibitions against harassment, discrimination, and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

COMPLAINT FORMS

- www.camphkc.org/complaintform
- You may ask for a paper form from the administrative office