

UNLAWFUL SEXUAL AND OTHER HARASSMENT

As set forth above in the *Equal Employment Opportunity* policy set forth above, the SM&NC is committed to providing a work environment free from unlawful discrimination and retaliation. The same is true for unlawful harassment of any kind and the SM&NC maintains a strict policy prohibiting such conduct. Discrimination and harassment are prohibited not only by the SM&NC's policy, but also by federal and state law. Harassment is a form of illegal discrimination and misconduct that will not be tolerated. This policy applies to all persons involved in the SM&NC's operations and prohibits harassment by or of any employee, applicant for employment, intern (paid or unpaid), manager or non-employee including, contractors, subcontractor, visitors, vendors, or any other third party in the workplace, and to any prohibited conduct, whether or not at work or during work time, where such conduct adversely impacts the work environment, including via the use of telephone calls, texts, emails and social media.

Unlawful harassment is defined as unwelcome conduct of a sexual nature or because of membership in a legally-protected class, including but not limited to race, color, religion, creed, gender, pregnancy, national origin, age, physical or mental disability, marital or civil union status, military status, veteran status, alienage or citizenship status, sexual orientation, gender identity and expression (including gender nonconformity and status as a transgender or transsexual individual), genetic information, or any other basis protected by applicable law that has the purpose or effect of unreasonably interfering with an individual's work performance, or which otherwise creates an intimidating, hostile or offensive working environment, even if an individual who is made to feel uncomfortable is not the intended target.

Sexual Harassment Definition and Examples - Sexual harassment in particular includes inappropriate conduct of a sexual nature or on the basis of sex (including self-identified or perceived sex), sexual orientation, gender identity and expression, and the status of being transgender. Sexual harassment can occur between any individuals, regardless of their sex or gender and may involve members of the same sex. Sexual harassment also includes unwanted sexual advances, requests for sexual favors, or verbal, non-verbal or physical conduct of a sexual nature when submission to such conduct is made a term or condition of employment or is used as a basis for employment decisions affecting the individual; or such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

Examples of unlawful sexual harassment that are strictly prohibited include but are not limited to unwelcome:

- Requests for sexual favors, where the requests are linked explicitly or implicitly to threats or promises regarding employment, job benefits, such as promotion and compensation;

- Sexual advances or propositions, leering, whistling, or sexual, suggestive or obscene comments, sexually discriminatory remarks, and continued unwelcome requests for dates or other social interaction;
- Physical or sexual contact, such as touching, kissing, pinching, pushing, poking, grabbing, brushing past someone, invading their personal space, impeding or blocking normal movement and more serious forms of sexual or other assault or attempts to commit these assaults;
- Jokes, pranks, innuendos, commentary about an individual's body (whether or not intended to be complimentary), sexual prowess or sexual deficiency;
- Obscene gestures or sexually suggestive objects, photographs, cartoons and drawings;
- Computer, cell phone, voicemail or social media postings or transmissions containing sexual content; and
- Other conduct or hostile actions directed to a person because of gender, gender identity or sexual orientation.

Other Types of Unlawful Harassment - Prohibited harassment also includes harassment due to race, color, religion, creed, pregnancy, national origin, age, physical or mental disability, marital or partnership status, familial status, military status, veteran status, alienage or citizenship status, genetic information, or any other basis protected by applicable law, that has the purpose or effect of unreasonably interfering with an individual's work performance, or which otherwise creates an intimidating, hostile or offensive working environment or adversely affects an individual's employment opportunities. Examples of such unlawful harassing conduct include but are not limited to unwelcome:

- Physical contact such as invading their personal space, impeding or blocking normal movement and more serious forms of assault or attempts to commit assault;
- Epithets or slurs, threats, jokes or remarks or verbal abuse based on an individual's protected class;
- Display of objects, photographs, cartoons, drawings or other derogatory images, pranks, gestures, mimicking or mocking, of a discriminatory nature;
- Computer, cell phone, voicemail or social media postings or transmissions containing jokes or derogatory statements based on an individual's protected class; and
- Hostile actions taken against an individual because of that individual's membership in a protected class, such as damaging a person's workstation

or equipment, interfering with the individual's ability to perform the job, sabotaging an individual's work, bullying, yelling, or name-calling.

Whatever form it takes, harassment is insulting and demeaning to the recipient and will not be tolerated. All employees must comply with the SM&NC's anti-harassment policy and take appropriate measures to ensure that such conduct does not occur.

Complaint Procedure and Investigations – The SM&NC takes discrimination and harassment complaints seriously. The SM&NC's reporting and complaint procedure provides for a prompt, thorough and objective investigation of any allegation of unlawful discriminatory treatment, harassment, or retaliation. The SM&NC expects all employees to report incidents in a timely manner to enable prompt investigation and correction of any behavior that may be in violation of this policy.

Reporting unlawful harassment is everyone's responsibility. The SM&NC cannot remedy or prevent continued unlawful harassment unless it knows about it. Any individuals covered by this policy who believe they have been subjected to discrimination or unlawful harassment or who witness or otherwise become aware of discrimination or unlawful harassment by or against any individual in the workplace should immediately report such conduct to the Human Resources Director or their manager. Employees who are uncomfortable reporting conduct prohibited by this policy to the Human Resources Director or their manager, may report it to the Executive Director & CEO or the Chair of the Human Resource Committee of the Board of Directors.

Reports of harassment may also be made using the complaint form attached to this Handbook. Employees may also report harassment verbally or in writing (including via email). All complaints must be made in good faith, as the SM&NC relies on the honesty of the complaining employee and all witnesses to ensure that disciplinary action is not imposed on innocent people.

All reported incidents of discrimination and/or harassment will be promptly investigated. The SM&NC will, to the extent feasible, maintain the confidentiality of such complaints. However, investigation of such complaints will generally require disclosure to the accused party and other witnesses in order to gather pertinent facts.

No Retaliation – The SM&NC strictly prohibits retaliation against employees who, in good faith, report unlawful discrimination or harassment, cooperate in the investigation of a complaint or file, testify, assist or participate in any manner in any investigation, proceeding, or hearing conducted by a governmental enforcement agency. Prohibited retaliation includes, but is not limited to, termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions or otherwise denying any employment benefit. Any person who feels that they have been retaliated against, or who is aware of any prohibited retaliation by any person, should immediately report the matter as set forth above.

Consequences of Policy Violation - At the conclusion of its investigation, if the SM&NC determines that an employee has violated this policy, it will take whatever action, if any, it believes appropriate under the circumstances, including but not limited to training, reassignment, demotion, compensation adjustment, and/or disciplinary action up to and including termination of employment, regardless of whether the conduct amounts to a violation of law. Additionally, supervisors and managers who fail to report harassing conduct or otherwise knowingly allow any such conduct to occur, will similarly be investigated and subject to disciplinary action, up to and including termination of employment. Individuals not employed by the SM&NC will be dealt with as is reasonable and appropriate under the circumstances.

Other Remedies - Aside from the internal complaint procedure at the SM&NC, employees may also choose to pursue legal remedies through the following governmental entities:

U.S Equal Employment Opportunity Commission (“EEOC”) - The 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.) and other federal statutes. Employees can file a complaint with the EEOC anytime within 300 days from the date of the alleged harassment. The EEOC may pursue cases in federal court on behalf of complaining parties and federal courts may award remedies if illegal conduct is found to have occurred. Employees may contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

Connecticut Commission on Human Rights & Opportunities (“CHRO”) - The CHRO enforces Connecticut’s Fair Employment Practices Act (“CFEPA”), which prohibits discrimination or harassment based on race, color, creed, religion, gender, pregnancy, sexual orientation, national origin, age, physical and mental disability, marital status, veteran status, genetic information and/or other protected characteristics. An eligible employee may file a complaint with the CHRO anytime within 300 days from the date of the alleged discrimination or harassment. The CHRO investigates charges filed with it and determines whether or not there is reasonable cause to believe that discrimination/harassment occurred and may award damages including issuing cease and desist orders and other injunctive relief, back pay, compensatory damages, and attorneys’ fees. The CHRO operates multiple regional offices in Connecticut and can be contacted by calling (860) 541-3400 or through its website at www.ct.gov/chro.