

Non-Discrimination and Anti-Harassment Policy

It is the policy of UJA-Federation to provide a work environment free from discrimination or harassment on the basis of race, religion, sex, age, national origin, disability, pregnancy, childbirth and related medical conditions, genetic information, predisposition or carrier status, creed, military or veteran status, sexual orientation, gender identity or expression, marital/partnership status, familial status, alienage or citizenship status, or any other characteristic protected by law. UJA-Federation prohibits and will not tolerate any such discrimination or harassment.

Definitions of Harassment

Sexual harassment constitutes discrimination and is unlawful under federal, state and, where applicable, local laws, as well as a violation of UJA-Federation's policies. Sexual harassment may subject UJA-Federation to liability, and harassers also may be individually subject to liability. All employees are required to work in a manner that prevents sexual harassment in the workplace.

Sexual harassment is defined as unsolicited and unwelcome sexual overtures that demean and undermine the integrity of the employment relationship, including unsolicited and unwelcome sexual advances, requests for sexual favors and other unwanted verbal or physical conduct of a sexual nature in the following circumstances:

- Where submission to the conduct is an explicit or implicit condition of employment,
- Where submission to or rejection of the conduct is used as a basis for employment decisions, or
- Where the conduct has the purpose or effect of unreasonably interfering with work performance or creates an intimidating, hostile, or offensive work environment

Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender identity or expression, and the status of being transgender. Sexual harassment can occur between any individuals, regardless of their sex, gender or sexual orientation.

Sexual harassment that occurs when a person in authority tries to trade job benefits for sexual favors is also called "quid pro quo" harassment. Job benefits in this context can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment.

Sexual harassment may include a range of subtle and not so subtle behaviors. Sex-based harassment not involving a sexual activity or language may also constitute discrimination if it is directed at employees because of their sex.

The following is a non-exclusive list of some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body, as well as rape, sexual battery, molestation or attempts to commit these assaults.

- Unwanted sexual advances or propositions, such as requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits or detriments.
- Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, words, signs, noises, remarks, jokes, pranks, innuendo or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sexually explicit or derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.
- Commentary about an individual's body, sexual prowess or sexual deficiencies.
- Leering, catcalls, or other insulting or obscene comments or gestures.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as displaying or circulating pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic (including through posting on walls, email, text message, instant messenger, social media, or other electronic communication).
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as 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 an individual's work; intimidation; and bullying, yelling and name-calling.
- Sex stereotyping – i.e., when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Other physical, verbal or visual conduct of a sexual nature.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, religion, sex, age, national origin, disability, pregnancy, childbirth and related medical conditions, genetic information, predisposition or carrier status, creed, military or veteran status, sexual orientation, gender identity or expression, marital/partnership status, familial status, alienage or citizenship status, or any other characteristic protected by law or that of his/her 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 (including e-mail, text message, social media or other electronic communications).

Individuals and Conduct Covered

These policies apply to all applicants, employees, volunteer leaders and interns, and prohibit harassment, discrimination and retaliation whether engaged in by fellow employees or interns, regardless of immigration status, or by a supervisor or manager or by someone not directly connected to UJA-Federation (*e.g.*, an outside vendor, consultant, donor, volunteer leader or

visitor). 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. Calls, texts, emails and social media usage by employees in violation of this policy may constitute unlawful workplace harassment, even if they occur away from UJA-Federation premises on personal devices or during non-work hours.

Additionally, pursuant to New York law, the protections and prohibitions against sexual harassment as set forth in this policy also apply to non-employees who provide services, including volunteer services to UJA-Federation (such as volunteers/lay leaders, contractors, subcontractors, vendors, consultants and other persons providing services to UJA-Federation pursuant to a contract in the workplace) while they are on UJA-Federation premises and/or while engaged in providing services to UJA-Federation (“covered non-employees”). Therefore, this policy both: (i) prohibits sexual harassment engaged in by covered non-employees, whether directed at another covered non-employee or an employee of UJA-Federation; and (ii) prohibits sexual harassment directed at covered non-employees, whether engaged in by a covered non-employee or by an employee of UJA-Federation.

These policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or 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 UJA-Federation prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, and privileges 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.

Retaliation Is Prohibited

For purposes of this policy, retaliation includes any action that could discourage an individual from coming forward to make or support a claim of discrimination or harassment. Such retaliation is unlawful under federal, state, and, where applicable, local law. Adverse action need not be job-related or occur on UJA-Federation premises to constitute unlawful retaliation.

The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- made a complaint of discrimination or harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving discrimination or harassment under any applicable anti-discrimination law;
- opposed discrimination or harassment, including reporting that another employee has been discriminated against or harassed, by making a verbal or informal complaint to their immediate supervisor or to the vice president of human resources (Sari Ferro) or General Counsel & Chief Compliance Officer (Ellen Zimmerman) as per the Complaint Procedure set forth below; or
- encouraged a fellow employee to report discrimination or harassment.

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.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Any individual who believes they have been subject to such retaliation should inform their immediate supervisor or the vice president of human resources. Individuals may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Reporting Procedure

UJA-Federation will not tolerate discrimination or harassment of, or retaliation against, its applicants or employees by anyone in connection with their employment and will take all necessary action to ensure that the organization meets its responsibility to applicants and employees. Any harassing conduct, even a single incident, can be reported under this policy.

Preventing discrimination and harassment is everyone's responsibility. Employees who have experienced conduct that they believe is contrary to UJA-Federation policy or have concerns about such matters are strongly urged to report such conduct to their supervisor or directly to the vice president of human resources or General Counsel & Chief Compliance Officer. If brought to the supervisor's attention, the claim will be reported immediately to the vice president of the Human Resources Department. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of discrimination, harassment or retaliation. Therefore, while no fixed reporting period has been established, UJA-Federation strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to discriminatory or harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued. However, advising the offender that his or her behavior is unwelcome and/or requesting that it be discontinued shall not constitute a complaint under this procedure even if the offender is one of the designated representatives identified above.

Reports of discrimination or harassment may be made verbally or in writing. A form for submission of a written complaint of sexual harassment is attached to this policy, and all employees are encouraged to use this complaint form. Employees who are reporting discrimination or harassment on behalf of other employees should also use the complaint form and note that it is on another employee's behalf. Employees, interns and other covered non-employees may also seek assistance in other available forums, as explained below in the section on Legal Protections. Reports may be made anonymously, although anonymous reports are often more difficult to investigate effectively.

Supervisor Responsibilities

All supervisors who receive a complaint or information about suspected discrimination or harassment, observe what may be harassing behavior or for any reason suspect that harassment is

occurring, **are required** to report such suspected discrimination or harassment to the vice president of Human Resources or General Counsel & Chief Compliance Officer.

In addition to being subject to discipline if they engage in harassing conduct themselves, supervisors will be subject to discipline for failing to report suspected harassment or otherwise knowingly allowing harassment to continue. Supervisors will also be subject to discipline for engaging in any retaliation.

The Investigation

Upon receipt of a report pursuant to this policy, a prompt, thorough and impartial investigation that ensures appropriate due process, as outlined in this policy, Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action. All employees, including supervisors, are required to cooperate with any internal investigation of discrimination, harassment, or retaliation.

While the process may vary from case to case, after a complaint is made, investigations will generally include the following:

- The Human Resources Department or General Counsel & Chief Compliance Officer will conduct a prompt review of the allegations and take any interim actions that may be warranted.
- The investigation generally will include the review of relevant documents; interviews of relevant witnesses; notification to both the individual who complained and the individual(s) about whom the complaint was made of the conclusion of the investigation; and implementation of corrective action(s), if any are considered warranted.

If it is determined that discrimination, harassment or retaliation has occurred, prompt and appropriate corrective action will be taken. Corrective 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, reassignment, temporary suspension without pay or termination, as UJA-Federation believes appropriate under the circumstances.

Legal Protections and External Remedies

Discrimination and harassment are not only prohibited by UJA-Federation but are also prohibited by federal, state and, where applicable, local law. Aside from the internal process at UJA-Federation, employees may also choose to pursue legal remedies with the following governmental entities at any time.

New York State Human Rights Law (NYSHRL)

The New York State Human Rights Law (NYSHRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with regard to discrimination and harassment, and protects employees, paid or unpaid interns and covered non-employees regardless of immigration

status. A complaint alleging violation of the NYSHRL may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, www.dhr.ny.gov. You may contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint.

United States 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.). An employee alleging discrimination at work can file a "Charge of Discrimination."

The EEOC has district, area and field offices where complaints can be filed. Individuals can 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. If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from harassment and discrimination. For example, employees who work in New York City may file complaints of discrimination or harassment with the New York City Commission on Human Rights. Employees may contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml

Contact the Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Individuals may contact the local police department.

Questions

Individuals who have questions or concerns about this policy should speak with the Human Resources Department.

10/9/2018