



ANTI - HARASSMENT & ANTI-DISCRIMINATION POLICY

The Yoga Society of New York, Inc. has a “zero tolerance” policy for all forms of harassment and discrimination including those set forth below.

1. The Yoga Society of New York, Inc. (herein “YSNY”) is committed to providing a living and work environment free from all forms of harassment and discrimination where individuals are treated with mutual respect and dignity. The YSNY will not tolerate harassment or discriminatory behavior of any kind and under any circumstances and will take disciplinary action against anyone who breaches this “zero tolerance policy”.
2. This policy applies to all employees, directors, officers, volunteers, staff, residents and members of the YSNY as well as visitors to the YSNY.
3. This policy applies to the behavior of individuals associated with the YSNY occurring both within and outside the course of YSNY business, activities and events that negatively affects individuals within the organization’s living and work environment. This includes threats or suggestions that adversely affect a person’s YSNY living or work environment or a person’s work or residency opportunities.
4. The facts and circumstances of a complaint will determine whether the individual complainant was subjected to violative or inappropriate behavior. Prohibited behavior includes not only the most blatant forms of harassment or discrimination which may be illegal but less egregious behavior perceived as inappropriate). Customary disagreements between employees, directors, officers, volunteers, staff, residents and members of the YSNY about work related issues or residency arrangements do not qualify as harassment if no discrimination as defined herein is involved.

DEFINITION

5. For the purpose of this policy, harassment is discriminatory behavior with a focus on or having a basis in race, color, religion, creed, national origin, citizenship, age, disability, pregnancy, marital status, veteran status, sexual orientation or any other category protected by law. YSNY is committed to providing an environment free from all forms of harassment, intimidation or discrimination.

Such harassment is a form of misconduct which undermines the integrity of the workplace and/or negatively impacts the residency environment. **Harassment is**

unacceptable and will not be tolerated. It has the purpose or effect of unreasonably interfering with a person's wellbeing and creates an intimidating, hostile or offensive work or living environment.

6. Sexual harassment is defined as behavior that has a sexual element, that is **unwelcome**, demeaning and causes the recipient distress. And, in the circumstances, a reasonable person would have expected the behavior would offend, intimidate or humiliate the person to whom it is directed. The definition includes not only what is illegal but also what is merely inappropriate.

7. Behavior constituting sexual harassment can take many different forms. It may include behavior which some view as innocent social or socio-sexual interaction. It includes unwelcome physical contact (like brushing against a person's body or non-reciprocated hugging, patting or touching); staring; the display of offensive materials; sexual comments, jokes, propositions; unsolicited innuendos; inappropriate reference to gender; inquiries or commentaries about sexual activity, experiences or orientation. The behavior may be a single incident or repeated. It may be explicit or implicit, verbal or non-verbal and it may include promises or threats in return for sexual favors. Although the intent may vary, if it is unwelcome and the effect is to offend, humiliate or intimidate, the behavior is violative of YSNY's zero tolerance no harassment policy.

8. Racial and national origin harassment are defined as ethnic slurs, ethnic jokes or other intimidating, hostile or offensive verbal or physical conduct relating to a person's race or national origin. Although the intent may vary, if it is unwelcome and the effect is to offend, humiliate or intimidate, the behavior is violative of YSNY's zero tolerance no harassment policy.

9. General harassment is defined as intimidating, hostile or offensive verbal or physical contact directed at a person which can have a basis in race, color, religion, creed, national origin, citizenship, age, disability, pregnancy, marital status, veteran status, sexual orientation or any other category protected by law. General harassment can take many different forms including acts of aggression or rudeness, intimidation, hostility, name calling and other types of abusive conduct which create an uncomfortable, intimidating, hostile, or offensive working or living environment. Although the intent may vary, if it is unwelcome and the effect is to offend, humiliate or intimidate, the behavior is violative of YSNY's zero tolerance no harassment policy.

10. Some examples of behavior that may constitute prohibited harassment include, but are not limited to, the following:

a) Abusive language related to an employee's race, color, religion, creed, national origin, citizenship, sex, age, disability, pregnancy, marital status, veteran status, sexual orientation or other protected status, including innuendoes, flirtations, advances, propositions, slurs, suggestive, derogatory, insulting or lewd comments or sounds, threats, and jokes based on or aimed at an employee's protected status (race, color, religion, creed, national origin, citizenship, sex, age, disability, pregnancy, marital status, veteran status, sexual orientation or other protected status).

- b) Use of demeaning, derogatory or offensive words when referring to an employee's race, color, religion, creed, national origin, citizenship, sex, age, disability, pregnancy, marital status, veteran status, sexual orientation or other protected status.
- c) Prohibited harassment is not limited to verbal comments. Whether transmitted or displayed via E-mail, on paper or otherwise, or displayed on a computer monitor the following are strictly prohibited: abusive language or gestures, offensive objects, pictures or photographs, graphics, posters, cartoons or drawings, any of which unreasonably interfere with an employee's work performance or creates an intimidating, hostile or offensive working environment.
- d) Any physical contact or threat of contact based on or aimed at an employee's race, color, religion, creed, national origin, citizenship, sex, age, disability, pregnancy, marital status, veteran status, sexual orientation or other protected status.

RESPONSIBILITIES

- 11. The YSNY shall take all reasonable steps to prevent any and all forms of harassment and discrimination and ensure that YSNY's zero tolerance no harassment, no discrimination policy is widely known through all levels of the organization's activities.
- 12. The YSNY has appropriate procedures in place to handle harassment or discrimination complaints including:
 - Harassment Contact Officers are identified to provide information and support.
 - Harassment Grievance Officers are identified and trained to mediate/conciliate grievances.
 - All complaints shall be treated in an impartial, sensitive, fair, timely and confidential manner.
 - Harassment reporting is encouraged, regardless of who the alleged offender might be.
 - Appropriate training is provided to those who manage and implement the YSNY's zero tolerance no harassment, no discrimination policy.
 - YSNY promotes widespread awareness and understanding of harassment.
 - The YSNY's policy and procedures are monitored and reviewed regularly.
- 13. All employees, directors, officers, volunteers, staff, residents and members of the YSNY are responsible for complying with this policy.

DISCIPLINARY / REMEDIAL ACTION

14. Disciplinary / remedial action will be taken by the YSNY against anyone who is found to have violated the YSNY's zero tolerance no harassment, no discrimination policy.

15. Disciplinary / remedial action will also be taken against anyone who victimizes or retaliates against any person who has complained of harassment or discrimination.

16. Disciplinary / remedial action will also be taken against anyone who victimizes or retaliates against anyone who may have assisted in the filing of a complaint or in the investigation of a claim of harassment or discrimination. Reprisal or retaliation may be the basis of a separate complaint, even if the initial complaint is found to be without merit.

17. The discipline / remedial action taken by the YSNY will depend on the severity of the case and may involve an apology, counseling, suspension, dismissal or other disciplinary action.

HOSTILE ENVIRONMENT

18. The most common type of harassment involves the concept of a "hostile work environment." This concept extends beyond an abuse of official or supervisory authority. The facts and circumstances of the specific situation determine whether the individual was subjected to a "hostile work environment". For example:

- Explicit pornographic graffiti taken from a popular song, or posters or pictures of barely clad women, may be found to be unlawful where one woman works with a group of men. Or vice versa and obviously less common, where one man works with a group of woman. On the other hand, the graffiti or posters may be construed as free expression by a more gender-balanced workforce.
- It may be impermissible for a supervisor to give frequent hugs to his or her coworkers because the hugs last "a little too long", are too tight, create uncomfortableness and because they are not prompted by jubilation or excitement. But hugs given to to bolster self-esteem or to offer congratulations (though it may create management and other problems) may not constitute sexual harassment.
- While a compliment, by itself, is not unlawful, it may become harassment if it is designed to hide otherwise improper conduct. For example, when it is known that someone is dieting, "congratulations, you look great" can be encouraging and appropriate. Whispering up close to the person that he or she looks "sexy" or "hot" is not reasonably construed as a mere "compliment" — especially when accompanied by other harassing behavior.

- A supervisor's greeting of "cutie on duty" or anatomical remarks to subordinates could easily go beyond the boundaries of acceptable flirtation and supervisors should be aware of this issue.

CONFIDENTIALITY

19. The YSNY management and officers responsible for implementing YSNY's zero tolerance no harassment, no discrimination policy will keep confidential the names and details related to harassment or discrimination complaints, unless disclosure is necessary as part of the disciplinary or corrective process.

COMPLAINT PROCEDURES

20. The most effective complaint procedures offer a range of options for dealing with the situation. The YSNY recognizes that natural justice is the minimum standard of fairness to be applied in the investigation and adjudication of a dispute.

21. Complaints can be handled through a variety of mechanisms. The YSNY recognizes that, as a highly sensitive and complex matter, harassment and discrimination are best dealt with informally through discussion between the parties or with some assistance from an independent third party, so as to minimize its damaging and disruptive effects. An informal resolution is not always possible and it may be necessary to resort to formal procedures to resolve the complaint.

22. The YSNY encourages individuals who experience harassment to inform the alleged harasser that the behavior is **unwelcome**, unacceptable and contrary to the YSNY's zero tolerance no harassment policy, and ask that the behavior stop. *Individuals should also keep notes documenting incidents of the behavior, time, place and any witnesses.*

23. If it is not possible to confront the alleged harasser, or if this course of action fails to stop the behavior, then the matter should be brought to the attention of a YSNY Harassment Contact Officer, or other manager or supervisor for advice. The YSNY recognizes the importance of providing a choice of reporting mechanisms and officers (male and female) to complainants or people feeling they are being harassed or discriminated against in order that they may feel comfortable to come forward to discuss or report an incident. It also recognizes that in some instances, the manager or supervisor may be too close to the problem to help or serve without bias. The YSNY will ensure access to an identified network of Harassment Contact Officers within the organization.

24. The role of the Harassment Contact Officer (or manager, supervisor) is a first-line-of-contact, to serve in an unbiased/impartial capacity to listen to the complaint, offer support, provide advice on procedures and refer the complainant to a Harassment Grievance Officer when appropriate. ***It is not the role of the Harassment Contact Officer to try to resolve a grievance.***

25. The role of a Harassment Grievance Officer is to determine whether a complaint has substance, inform the person accused of harassment or discrimination of the nature of the complaint, inform both parties of their rights and responsibilities in proceeding with a grievance, act as mediator/conciliator between the parties to resolve the complaint if possible, follow up after a complaint has been resolved to ensure there is no recurrence or retaliation and refer serious matters to the Executive Committee. It is the prerogative of the complainant to decide to proceed with, or dissolve a complaint.

26. The complaint may be resolved informally between the complainant and the alleged harasser -- through discussion, an apology, and a commitment to stop the behavior. In this case, the Harassment Grievance Officer (or manager, supervisor) assisting in an informal resolution will establish a follow up date to ensure the behavior does not recur, otherwise no further action is necessary.

27. In the event that the complaint cannot be resolved informally, the complainant may file a formal complaint detailing the situation including dates and witnesses. In this case, the complainant is required to prepare, sign and file a formal written complaint to the Harassment Grievance Officer who, in turn will ensure the alleged harasser is provided with a copy of the complaint and who will inform the Executive Board of the complaint.

28. The YSNY Executive Board is responsible for ensuring the complaint is investigated and mediated or conciliated properly and confidentially, in an unbiased and prompt manner. The YSNY has an established mechanism within its own structure to handle the complaint accordingly.

29. The Executive Board will establish a Review Panel comprised of three members, at least one female and one male. Decisions including findings and recommendations of disciplinary action are the responsibility of the review panel not subject to challenge except in a legal proceeding outside of the jurisdiction of the YSNY.

30. The YSNY will ensure that all steps in the complaints procedure are handled promptly, and that the period given to investigation, hearing and release of the decision does not exceed eight weeks.

FALSE ACCUSATIONS

31. A charge of harassment or discrimination is a grave and serious accusation. YSNY's zero tolerance policy prohibits not only harassment and discrimination, but the malicious accusations of misconduct. Sanctions will be imposed on anyone who knowingly or with reckless disregard for the truth makes false accusations.

RIGHT TO APPEAL

32. Both parties to a complaint have the right to appeal the decision or recommendation of the Review Panel to the entire Executive Board if a matter of procedure, bias, or fairness is called into question. In the event of such an appeal, the Executive Board will establish an Appeals Panel, made up of members other than those involved in the original review.

EXTERNAL ACTION

33. Both complainant and alleged harasser may pursue advice or action from an external authority or their own legal counsel at any stage of the complaint procedure. The New York State Division of Human Rights (http://www.dhr.state.ny.us/how_to_file_a_complaint.html) is the governmental authority responsible for receiving complaints in our jurisdiction.

THIS POLICY IS APPROVED BY THE BOARD OF DIRECTORS AND SHALL BE CONSPICUOUSLY POSTED IN SEVERAL COMMON AREAS THROUGHOUT YSNY'S PREMISES.

Dated: July 28th, 2015.