

2.01 NON DISCRIMINATION/ANTI-HARASSMENT/ANTI-BULLYING POLICY

Clinical Associates of the Finger Lakes (CAFL) is committed to a work environment 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 unlawful discriminatory practices, including bullying, harassment, intimidation or retaliation. This includes the expectation of non-intimidation and non-retaliation for good faith participation in the compliance program, including reporting potential compliance issues to appropriate personnel. Therefore, CAFL expects that all relationships among CAFL employees will be business-like and free of explicit bias, prejudice and harassment.

THIS POLICY REPLACES POLICIES 2.01 NON DISCRIMINATION AND 2.02 ANTI-HARASSMENT

CAFL has developed this policy to ensure that all its employees can work in an environment free from unlawful bullying, harassment, discrimination and retaliation. CAFL will make every reasonable effort to ensure that all employees are familiar with this policy; CAFL will make employees aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Any employee who has questions or concerns about these policies should talk with the Program Director, Compliance Officer, CEO/Director or Director of Human Resources.

This policy 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 other words, no one should make the mistake of engaging in discrimination or exclusion to avoid allegations of harassment. The policies of CAFL prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment.

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of CAFL to ensure equal employment opportunity without bullying, discrimination or harassment on the basis of race (including hairstyle/texture), color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, religion, veteran status, or any other characteristic protected by law. CAFL prohibits any such discrimination or harassment.

RETALIATION

CAFL encourages reporting of all perceived incidents of bullying, discrimination or harassment. It is the policy of CAFL to promptly and thoroughly investigate such reports. CAFL prohibits retaliation or intimidation against any individual who reports bullying, discrimination, harassment, potential fraud, waste, and abuse and compliance issues or participates in an investigation of such reports. Please refer to REPORTING AN INCIDENT and COMPLAINT PROCEDURE sections below.

SEXUAL HARASSMENT

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, "sexual harassment" is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: **a)** submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, **b)** submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or **c)** 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.

Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment:

- a)** quid pro quo and
- b)** hostile work environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for

sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature. It is important to note that what is deemed offensive is defined by the person who is the target of the actions or comments. It does not matter if it was "only a joke."

Please refer to policy **2.03 SEXUAL HARASSMENT** for CAFL's entire policy related to sexual harassment.

BULLYING

Under this policy, bullying is defined as repeated, health-harming mistreatment. It is abusive conduct (e.g., verbal and nonverbal) that is threatening, humiliating or intimidating. It includes verbal abuse and work sabotage that prevents work from getting done.

Examples of bullying include, but are not limited to:

- repeated or pervasive taunting, name-calling, belittling, mocking, put-downs, or demeaning humor;
- behavior that is intended to harm someone by damaging or manipulating their relationships with others, including but not limited to gossip, spreading rumors, and social exclusion;
- non-verbal threats and/or intimidations such as use of aggressive, menacing, or disrespectful gestures;
- threats of harm to an employee, to his/her possessions, or to other individuals, whether transmitted verbally or in writing;
- blocking access to company property or facilities;
- stealing or hiding possessions; and
- physical contact or injury to another person or their property.

Bullying also includes cyberbullying which makes use of technology or any electronic communication. Examples of cyberbullying include, but are not limited to:

- posting slurs or rumors or displaying any defamatory, inaccurate, disparaging, violent, abusive, profane, or sexually oriented material about an employee on a website, blog, or other online application;
- posting misleading or fake photographs or digital video footage of an employee on websites or creating fake websites or social networking profiles in the guise of posing as the target;
- impersonating or representing another employee through use of that other employee's electronic device or account to send e-mail, text messages, instant messages, or phone calls;
- sending e-mail, text messages, IM, or leaving voice mail messages that are harassing or threatening, or so numerous as to bombard the target's e-mail account, IM account, or cell phone; and
- using a camera phone or digital video camera to take and/or send embarrassing or 'sexting' photographs of other employees.

HARASSMENT

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, religion, veteran status, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that:

- a) has the purpose or effect of creating an intimidating, hostile or offensive work environment,
- b) has the purpose or effect of unreasonably interfering with an individual's work performance, or
- c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

BULLYING AND HARASSMENT ARE DIFFERENT

Bullying is actionable under federal law only when the basis for it is tied to a protected category, such as race or sex. Title VII of the Civil Rights Act of 1964 prohibits harassment on the basis of color, national origin, race, religion, and sex. Other federal laws prohibit such behavior on the basis of age, disability, and genetic information.

INDIVIDUALS AND CONDUCT COVERED

These policies apply to all applicants for employment, employees, interns (whether paid or unpaid), contractors and persons providing services in the CAFL workplace, such as equipment repair and cleaning services. 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.

REPORTING AN INCIDENT OF BULLYING, HARASSMENT, DISCRIMINATION, INTIMIDATION OR RETALIATION

CAFL encourages reporting of all perceived incidents of bullying, discrimination, harassment, intimidation, or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor, the Program Director, the Compliance Officer, the CEO/Director or the Director of Human Resources. Supervisors are required to report bullying, harassment, discrimination, retaliation, or intimidation concerns brought to their attention to the Program Director, Compliance Officer, CEO/Director or the Director of Human Resources.

A Sexual Harassment form can be found in policy 2.03 Sexual Harassment or on the share drive in the Employee Forms folder.

In addition, CAFL encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that their behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. CAFL recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

COMPLAINT PROCEDURE

Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with the Program Director, Compliance Officer, the CEO/Director or the Director of Human Resources. Supervisors are required to report harassment or discrimination concerns brought to their attention with to the Program Director, CEO/Director or the Director of Human Resources.

CAFL maintains confidentiality of persons reporting potential compliance-related issues unless the issue is subject to a disciplinary proceeding, or referred to, or under investigation by OMIG or law enforcement. Confidential compliance reporting may occur by sending a letter to the Compliance Officer, accessing the Compliance locked box outside the Compliance Officer's Victor office or via phone call to the Compliance Officer's confidential phone line and voice mail. CAFL encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of bullying, harassment, discrimination, intimidation or retaliation will be investigated promptly. 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. If the reported complaint is found to be valid, immediate and appropriate corrective action will be taken.

CAFL will maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation or intimidation against an individual for engaging in good faith participation in the compliance program, for reporting bullying, harassment or discrimination or for participating in an investigation of a claim of compliance, bullying, harassment or discrimination is a serious violation of this policy and, like lack of compliance, bullying, harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation and intimidation should be reported immediately and will be promptly investigated and addressed.

Misconduct constituting bullying, harassment, discrimination, intimidation or retaliation will be dealt with appropriately. If the complaint is found to be valid, immediate and appropriate corrective action will be taken. Responsive/corrective action may include, for example, training, referral to counseling or disciplinary action such as a warning, reprimand, reassignment, temporary suspension without pay, or termination, as CAFL believes appropriate under the circumstances.

If a party to a complaint does not agree with its resolution, that party may appeal to CAFL's CEO/Director. Please refer to Freedom of Discussion policy 3.07.

False and malicious complaints of bullying, harassment, intimidation, discrimination or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.