Reference :	AFFIRMATIVE ACTION
Section :	GENERAL
Title :	HARASSMENT IN THE WORKPLACE
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I PURPOSE

The purpose of this policy is to state the Authority's position on harassment in the workplace, and to ensure that all employees are treated professionally and with dignity.

II APPLICABILITY

This policy applies to all NFTA and NFT-Metro employees, applicants for employment, interns (whether paid or unpaid), contractors, sub-contractors, vendors and others doing business with the Authority. This policy applies to conduct that occurs in the workplace and to conduct that occurs at any location which can be reasonably regarded as an extension of the workplace, such as any field location, or any business-related or sponsored function where employees are gathered.

III POLICY

A. Definition

Harassment is a form of employment discrimination that is prohibited by Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act, and the New York State Human Rights Law. Harassment is conduct that subjects an individual to inferior terms, conditions, or privileges of employment based on the individual's age, race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, disability, predisposing genetic characteristics, familial status, marital status, status as a victim of domestic violence, or because the individual has opposed harassment or discrimination, and/or relates to any other legally protected characteristic or trait.

B. Prohibited Conduct

Harassing behavior includes but is not limited to the following, when based upon any of the characteristics listed in "A." immediately above.

1. Physical Harassment - physical assault, threats of physical harm, invading an individual's physical space, offensive gestures, or damaging personal property.

2. Visual or Verbal Harassment - threats, insults, name-calling, derogatory letters, jokes, gag-gifts, comments, or pictures, whether written or displayed electronically. Words or actions that demean, intimidate, or stigmatize an individual based upon any of the characteristics listed in "A." above are also strictly prohibited.

3. Sexual Harassment - Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct that is of a sexual nature when:

   a. submission to the conduct is either an explicit or implicit term or condition of employment; or
   b. submission to, or rejection of, the conduct is used as a basis for an employment decision affecting the person subjected to the conduct; or
   c. the conduct subjects any individual to inferior terms, conditions, or privileges of employment.
   d. The NFTA has adopted the New York State Model Sexual Harassment Policy which was published on April 11, 2023. Please see the NFTA Sexual Harassment Policy for additional details.

To be considered unlawful harassment, conduct must subject an individual to inferior terms, conditions or privileges of employment. Conduct that constitutes a petty slight or trivial inconvenience does not rise to the level of harassment. Individuals are encouraged to promptly discuss all questions and concerns with the Office of Human Resources or the Office of Equal Employment Opportunity/Diversity.

C. Third Party Harassment

This policy also applies to third party harassment. Third party harassment is unwelcome behavior based upon any of the characteristics listed in "A." above that is not directed at the employee, but is present in the workplace, and subjects an employee to inferior terms, conditions or privileges of employment.

Individuals witnessing harassing behavior that they find offensive, even though it is not directed to them, may file a formal harassment complaint.

D. Reporting Harassment

Incidents of harassment should be reported immediately to your supervisor, another management employee in your department, to the Office of Human Resources, or the Office of Equal Employment Opportunity/Diversity located at 181 Ellicott Street, Buffalo, New York. Phone numbers: 855-7489 or 855-7286.

If your immediate supervisor or other department manager is the individual responsible for the harassment or has failed to satisfactorily address your harassment complaint after being afforded a reasonable period of time to do so, you should contact the Office of Human Resources and/or the Office of Equal Employment Opportunity/Diversity Development about your harassment complaint.

E. Filing a Complaint; Investigation

Complainants are urged to consult with the Office of Equal Employment Opportunity/Diversity Development, to file a formal complaint with this department if believed necessary, and to use informal methods of resolution prior to filing a complaint of harassment with the New York State Division of Human Rights, the U.S. Equal Employment Opportunity Commission, or other outside agency.

The Office of Equal Employment Opportunity/Diversity Development will promptly investigate all allegations of harassment and/or retaliation. Confidentiality will be maintained to the greatest extent possible, and information will be disclosed only to persons and/or agencies directly involved in the investigation. At the conclusion of an investigation, the Office of Equal Employment Opportunity/Diversity Development will issue a letter to the Complainant that sets forth the outcome of the investigation.

F. Prohibition against Retaliation

An employee may not be terminated, demoted, harassed, or otherwise retaliated against for opposing a discriminatory practice, filing a complaint of harassment, or for participating in an investigation related to a complaint of harassment. Retaliation will not be tolerated by anyone under any circumstances and will be subject to discipline, up to and including termination.

G. Supervisors, Managers and Directors

All supervisors, managers and directors who witness, become aware of, or receive a complaint or information about actual or suspected harassment of any kind or retaliation must immediately contact the Office of Human Resources and/or the Office of Equal Employment Opportunity/Diversity and report the same. Any supervisor, manager or director who fails to immediately report shall be subject to disciplinary action, up to and including termination.

H. Penalties

The Authority considers any type of harassment to be a form of employee misconduct that will not be tolerated. Any and all individuals who engage in harassment or retaliation or who allow such behavior to continue will be subject to remedial and/or disciplinary action, up to and including termination.

Any individual who intentionally file false complaints under this policy, or who intentionally provide false information in connection with an investigation into an allegation of harassment may be subject to disciplinary action, up to and including termination.

Kimberley A. Minkel Executive Director	Date	LaVonne E. Ansari Acting Chair	Date