

HEALTH RESEARCH, INC.

HRI POLICY AND PROCEDURE MANUAL

ANTI-DISCRIMINATION AND ANTI-HARASSMENT

SECTION 4.07

POLICY

All employees of Health Research, Inc. (HRI) shall comply with HRI policies and procedures, all federal, New York State and, where applicable local, laws, regulations and Executive Orders prohibiting discrimination, intimidation and illegal harassment, including sexual harassment.

Every employee or job applicant has the right to present a complaint of alleged discrimination or alleged illegal harassment, including sexual harassment. HRI will not tolerate any intimidation, retaliation or reprisal against any individual who complains of discrimination or illegal harassment, or against anyone that participates and cooperates in any phase of investigation, proceedings or hearings pursuant to this procedure.

It is the policy of HRI to ensure that all employment decisions are based only on valid job requirements.

SCOPE

This procedure applies to all HRI employees, student interns and trainees, temporary service personnel, and stipend recipients.

DEFINITIONS

Complainant is a person who alleges to have been discriminated against or illegally harassed, including sexual harassment.

Respondent is an HRI employee or organizational unit accused of discriminatory conduct or illegal harassment, including sexual harassment, regarding employment with HRI.

Bona Fide Occupational Qualifications are factors that have been proven to constitute actual qualifications for performing a job.

Discrimination in Employment means:

- 1) To fail or refuse to hire, to discharge any individual or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, age, gender, disability, national origin, sexual orientation, marital status, citizenship, gender identity, pregnancy-related condition, military or veteran status, familial status, domestic violence victim status, genetic disposition or predisposition of carrier status, relationship or

association with a member of a protected category, or any other basis protected by applicable local, state or federal law, or Executive Order, or such individuals opposing discrimination, except where a bona fide occupational qualification of employment exists.

- 2) To limit, segregate, or unjustly categorize an employee in any way which would:
 - a) deprive or tend to deprive an individual of employment opportunities or
 - b) otherwise adversely affect a person's status as an employee because of a status protected by local, state or federal law, or Executive Order, except where a bona fide occupational qualification of employment exists.
- 3) To abuse, restrain, intimidate, harass, interfere with, coerce, discriminate against, institute reprisal against or otherwise defame an employee because of a status protected by local, state or federal law, or Executive Order, except where a bona fide occupational qualification of employment exists.

Sexual Harassment means:

Any unwelcome sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual nature when:

- 1) submission to such conduct is made, either by threat or insinuation, either explicitly or implicitly, a term or condition of an individual's employment,

OR

- 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual,

OR

- 3) such conduct is so severe, and/or pervasive, and objectionably unreasonable to even a reasonable person that it substantially interferes with an individual's work performance by creating an intimidating, hostile or offensive working environment.

COMPLAINTS

Any employee who believes that he or she has been subjected to an act of discrimination and/or illegal harassment, including sexual harassment, is encouraged to discuss the alleged acts with the Corporate Director, Human Resources or the Assistant Director, Human Resources for the Albany Division, or with the Affirmative Action Administrator for employees working at the Roswell Park Cancer Institute, or with her or his supervisor or any member of management with whom the employee feels comfortable. While it is not necessary that the complaint be formalized in writing, it would be helpful as a starting point to an investigation, should one be deemed necessary. Any complaint should contain full identification of the complainant, the

organization or person(s) against whom the complaint is made, and a clear statement of the facts constituting the alleged acts of discrimination and/or illegal harassment, including pertinent dates. Employees may make a complaint or raise concerns regarding discrimination or illegal harassment without fear of reprisal.

A prompt, fair, impartial and thorough investigation of the complaint, when warranted, will be conducted by HRI to solicit information from all parties. The investigation will be conducted with due consideration for the rights of all employees connected with the complaint. To the extent possible and practical, HRI will maintain the confidentiality of the complainant, names of the parties involved and findings of the investigation until resolution of the complaint. At that time, a complaint and the results of its investigation may be made public.

Violations of HRI policies and procedures, government laws, regulations, or Executive Orders prohibiting discrimination and/or illegal harassment, or retaliations or threats of retaliation against any employee who complains of discrimination or illegal harassment or against any employee who is a witness to any such act, may result in disciplinary action against a respondent. HRI intends to vigorously pursue the enforcement of these policies and procedures, laws, regulations and Executive Orders and prohibitions against retaliation and will seek to impose fines and other penalties provided for in its disciplinary procedures up to and including termination.

Any supervisor who accepts a complaint, or becomes aware of possible discrimination or unlawful harassment shall not take any actions, except an action to protect a complainant, and must promptly advise HRI Human Resources. The situation will be promptly, fairly, impartially and thoroughly investigated in a discreet manner.

Any employee who deliberately makes a frivolous or knowingly false complaint or deliberately gives false or misleading information during an investigation may be subject to disciplinary action up to and including termination.

If a complaint involves anyone in the complaint investigation (e.g. Corporate Director, Human Resources or Assistance Director, Human Resources), the complainant may choose to bring such matters to one of the other of the two individuals, or to the Executive Director of HRI. Should such a course be chosen, the same scope of investigation will be used but the review channel will be directly to the Executive Director. The Corporate Director, Human Resources and/or the Assistant Director, Human Resources and its review channels will be bypassed to ensure independence of due process.

In addition to the relief available through this procedure, individuals have the right to file a complaint with:

- New York State Division of Human Rights
- Federal Equal Employment Opportunity Commission
- U.S. Labor Department – Office of Civil Rights
- The NYC Commission on Human Rights
- A court having appropriate jurisdiction

If a complaint is filed with HRI and with any or all of the above listed agencies, HRI will complete its actions while the processes of the outside agency go forward.

RESPONSIBILITY

The Corporate Director, Human Resources is responsible for monitoring and directing Health Research, Inc.'s compliance with its own policies and procedures, and the laws, regulations and Executive Orders prohibiting discrimination and illegal harassment, including sexual harassment. The Corporate Director, Human Resources reports to the Executive Director of Health Research, Inc.

THE PROCEDURE FOR FILING COMPLAINTS

Complainant

Brings a complaint of an act of discrimination and/or illegal harassment, including sexual harassment, to the attention of the Corporate Director, Human Resources or the Assistant Director, Human Resources for the Albany Division, or with the Affirmative Action Administrator for employees working at the Roswell Park Cancer Institute, or the complainant may discuss the complaint with her or his supervisor or any member of management with whom the employee feels comfortable in having this discussion.

Note: If complaint involves anyone in the complaint process, i.e. the Corporate Director, Human Resources or the Assistant Director, Human Resources, the complainant may choose to file the complaint with HRI's Executive Director who will conduct the complaint investigation.

Supervisor or other member of Management hearing a complaint

Informs the Corporate Director, Human Resources of a complaint, or possible circumstance or incidence of discrimination or illegal harassment.

HRI Corporate Director Human Resources

Accepts complaint of alleged discrimination and/or illegal harassment and discusses with complainant to determine if complaint, where appropriate, can be resolved through the supervisor or administrator of the complainant's unit or determines if further investigation is warranted.

If the complaint is not resolved, where appropriate, at the supervisor or unit level and a complainant wants to proceed with the complaint, advises complainant of the complaint process and the rights and protection afforded a complainant. If the complaint is one of harassment, may separate respondent from complainant by moving respondent as appropriate.

Notifies the respondent of receipt of complaint and of “no retaliation” requirement.

If the complaint is one of harassment, may notify both respondent and complainant of no unmonitored contact with each other for the duration of the investigation.

Notifies all parties concerned about the need for discretion in conversations and the need to maintain integrity in the investigation process.

Determines the manner and extent of the investigation and investigates all the facts surrounding the alleged discrimination or sexual harassment.

During an investigation, a respondent will be required to participate, and where eligible, shall retain all rights to representation afforded in the Collective Bargaining Agreement.

Complainant

At any time during the complaint process, a complaint of discrimination or harassment may be withdrawn by sending a letter to the Corporate Director, Human Resources stating the desire to withdraw the discrimination complaint.

Corporate Director, Human Resources

If the complainant files a withdrawal letter, tries to ascertain reasons for the withdrawal and forwards a copy of the withdrawal letter to the Executive Director.

Determines whether the investigation must be continued. If the investigation is discontinued, informs in writing all parties of the withdrawal.

At the conclusion of the investigation, prepares and distributes a written statement of findings to:

- Complainant
- Respondent
- HRI Executive Director

Complainant/Respondent

Within fifteen (15) working days of date of issuance of the investigative findings, either or both parties may file with Corporate Director, Human Resources a statement that takes exception to the findings.

Corporate Director, Human Resources

After consideration of any written statements that take exceptions to the investigation filed by either party, may recommend a settlement to attempt to achieve a just resolution.

If agreement is reached, send "Settlement Agreement" to the Executive Director for authorization and distribution to the complainant and respondent.

If efforts to negotiate a settlement fail to resolve the complaint, notifies all parties in writing that such efforts have been unsuccessful and that a case determination will be issued which will consist of one or more of the following:

- the case closure, in which no additional action shall be taken.
- remedial action to be taken to correct any discriminatory or illegally harassing practice found to exist.
- the initiation of disciplinary action in accordance with applicable contractual rights.

Prepares and sends copies of the determination to the complainant, the respondent, the Executive Director.

Advises all parties of the right to appeal or grieve, as appropriate, the case determination. Appeals must be made in writing to the Executive Director within 30 calendar days of the date of issue of the case determination and must state the reasons for the appeal. Grievances must follow the terms of the Collective Bargaining Agreement if the employee is a member of the bargaining unit.

Executive Director

Receives and reviews the appeal or grievance and the case determination and, based on available information, makes one of the following rulings:

- Directs further investigation of additional facts presented in the appeal or grievance;
- Sustains the determination; or
- Modifies or reverses the determination.

Sends all parties a copy of the ruling.