



## Personnel Policies and Procedures Anti-Harassment Including Sexual Harassment Policy

Date Approved by Board of Directors: December 16, 2022  
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Policy Ownership: **Human Resources Department**

### **POLICY STATEMENT**

Peoples Security Bank and Trust Company strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of the company should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. The Company is committed to maintaining a work environment that is free of discrimination and harassment. Any type of harassment inclusive of sexual harassment is a violation of the Company's policy and a violation of federal, state and local laws.

### **APPLICABILITY**

All employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with the company regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur.

Any employee or individual covered by this policy who engages in harassment including sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination of employment.

### **SEXUAL HARASSMENT**

Sexual harassment of any employee by another employee, manager, or non-employee (e.g., intern, volunteer, independent contractor, contract worker, vendor, client, customer or visitor), regardless of their sex or gender, is prohibited.<sup>1</sup> Sexual harassment of non-employees by our employees is also prohibited. Further, any retaliation against an individual who has complained about sexual harassment or who has cooperated with a sexual harassment investigation is also unlawful and will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination of employment.

#### **What is Sexual Harassment?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual

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<sup>1</sup> While this specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

Unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct based on an individual's sex constitutes sexual harassment when:

- Submission to the conduct is an explicit or implicit term or condition of employment; or
- Submission to or rejection of the conduct is used as the basis for decisions affecting an individual's employment; or
- The conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

Sexual harassment is not limited to the physical workplace. It can occur while employees are traveling for business or at employer sponsored events or parties. It can occur outside work hours.

### **Examples of Sexual Harassment**

While it is not possible to list all acts which may constitute sexual harassment, it may include explicit sexual propositions or flirtations; sexual innuendo; suggestive comments; sexually oriented teasing; comments or jokes about gender-specific traits, sexual orientation, gender identity or gender expression; foul or obscene language or gestures; unwanted physical contact; the display or transmission of obscene, demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs; and hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or the status of being transgender, such as interfering with the individual's ability to perform the job, bullying, or name-calling.

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

Although one joke or comment may not be enough to constitute sexual harassment, a single incident of inappropriate conduct may be enough to rise to the level of sexual harassment.

### **What is Retaliation?**

Retaliation is any action that would keep an individual from coming forward to make or support a sexual harassment claim. The action need not be job-related or occur in the workplace to constitute unlawful retaliation.

Such retaliation is unlawful under federal, state, and (where applicable) local law. Both the New York State Human Rights Law (applicable for New York State employees) and Title VII of the Civil Rights Act of 1964 protect individuals who engage in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;

- testified or assisted in a proceeding involving sexual harassment under Title VII, the Human Rights Law, or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Retaliation against an employee who, in good faith, makes a complaint of sexual harassment will not be tolerated and will itself be subject to disciplinary action, up to and including termination of employment. Furthermore, no adverse actions will be taken against employees who report violations of this policy in good faith or participate in the investigation of such violations.

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.

### **Reporting Sexual Harassment**

Sexual harassment is a form of employee misconduct. No employee is required to submit to, or accept, sexual harassment in order to maintain their position, promotional opportunities, benefits, or to meet any other condition of employment.

Any employee or non-employee who believes they have been a target of sexual harassment or who believes the actions of another employee or non-employee constitute sexual harassment, is encouraged to immediately notify their manager, Human Resources, or anyone in management with whom they are comfortable.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is available from Human Resources. Individuals reporting sexual harassment on behalf of someone else should also use the complaint form.

Employees or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums as explained below.

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior, become aware of sexual harassment, or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected behavior to Human Resources. In addition to being subject to discipline if they engage in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

### **Legal Protections and External Remedies**

Aside from the Company's internal process, employees may also choose to pursue legal

remedies with several governmental entities.

The Human Rights Law (“HRL”) applies to employers in New York State with regard to sexual harassment (specific to New York Employees). The HRL protects employees and non-employees, regardless of immigration status. A complaint alleging violations of the HRL may be filed either with the New York State Division of Human Rights or in New York State Supreme Court.

The United States Equal Employment Opportunity Commission (“EEOC”) enforces anti-discrimination laws, including Title VII of the Civil Rights Act of 1964. Sexual harassment is unlawful under Title VII. If an employee believes s/he has been discriminated against at work, s/he can file a discrimination charge with the EEOC.

Many localities enforce laws protecting individuals from sexual harassment. An individual should contact the county, city, or town in which they live to find out if such a law exists. For example, individuals who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Please note the agencies below, for all of our other locations.

- Pennsylvania State Division of Human Rights (DHR)
- New York State Division of Human rights (DHR)
- New Jersey Division of Civil Rights (DCR)
- United States Equal Employment Opportunity Commission (EEOC)
- Local Agencies

Remedies available to a target of sexual harassment may include: reinstatement, back pay, front pay, compensatory damages, punitive damages, and attorneys’ fees.

## **DISCRIMINATION**

It is a violation of Peoples Security Bank & Trust Company’s policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person’s race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information, marital status or GED status.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

## HARASSMENT

Peoples Security Bank & Trust Company prohibits harassment of any kind and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker or any person working for or on behalf of the company. Verbal taunting (including racial and ethnic slurs) that, in the employee's opinion, impairs his or her ability to perform his or her job is included in the definition of harassment.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.

Any reported allegations of harassment, discrimination, bullying, 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.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

## COMPLAINT PROCEDURE

Any employee or non-employee who believes they have been a target of harassment including sexual harassment or discrimination or who believes the actions of another employee or non-employee constitute harassment including sexual harassment or discrimination, is encouraged to immediately notify their manager, Human Resources, or anyone in management with whom they are comfortable.

Reports of harassment, sexual harassment or discrimination may be made verbally or in writing. A form for submission of a written complaint is available from Human Resources. Individuals reporting harassment on behalf of someone else should also use the complaint form.

Employees or non-employees who believe they have been a target of harassment, sexual harassment or discrimination may also seek assistance in other available forums as explained below.

All supervisors and managers who receive a complaint or information about suspected harassment, sexual harassment or discrimination observe what may be harassing behavior, become aware of harassment, or for any reason suspect that harassment is occurring, **are required** to report such suspected behavior to Human Resources. In addition to being subject to discipline if they engage in harassing conduct themselves, supervisors and managers will be

subject to discipline for failing to report suspected harassment or otherwise knowingly allowing harassment to continue.

## **INVESTIGATION OF A SEXUAL HARASSMENT/HARASSMENT OR DISCRIMINATION COMPLAINT**

**ALL** complaints of sexual harassment, harassment or discrimination will be investigated whether the information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment, harassment or discrimination will be prompt and thorough. The investigation will be confidential to the extent possible. Corrective action will be taken whenever sexual harassment, harassment or discrimination is found to have occurred.

All persons involved, including complainants, witnesses, and alleged perpetrators, will be accorded due process to protect their rights to a fair and impartial investigation. All employees are required to cooperate as needed in an investigation of suspected sexual harassment, harassment or discrimination. Employees who participate in any investigation will not be retaliated against.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of a complaint, Human Resources will conduct a review of the allegations, and take any interim actions, as appropriate.
- Relevant documents, electronic communications, emails, or telephone records will be reviewed.
- All parties involved, including any relevant witnesses, will be interviewed.
- Written documentation of the investigation (i.e., letter, memo, or email) will be created and kept in a secure and confidential location, which will include a list of all documents reviewed; the names of those interviewed; a timeline of events; and the basis for the decision and final resolution of the complaint, together with any corrective action(s).

Upon conclusion of the investigation any identified corrective actions will be taken. The individual(s) who complained and the individual(s) accused will be notified about the final determination

## **CONFIDENTIALITY**

The employee assistance program (EAP) provides confidential counseling services to company employees. Individuals wishing to discuss an incident confidentially or seeking information and advice of a personal nature are encouraged to contact the EAP. The role of the EAP in such cases will be limited to personal counseling and treatment for the person who is then an EAP client. Contacting the EAP will not qualify as notification to Peoples Security Bank and Trust Company of a potential harassment or discrimination issue (see below complaint procedure for more on how to notify the company of an issue or complaint).

During the complaint process, the confidentiality of the information received, the privacy of the individuals involved and the wishes of the complaining person will be protected to as great a

degree as is legally possible. The expressed wishes of the complaining person for confidentiality will be considered in the context of the company's legal obligation to act on the charge and the right of the charged party to obtain information. In most cases, however, confidentiality will be strictly maintained by the company and those involved in the investigation. In addition, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential to the extent possible and according to any existing state or federal law.

### **DISCIPLINARY ACTION**

If it is determined that inappropriate conduct has been committed by a person covered under this policy, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination of employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.