

Statement of Anti-Harassment Policies

DeSanti & Linden Dentistry, PLLC (a.k.a. “The Practice”) is committed to maintaining a safe, harassment-free work environment that encourages and fosters appropriate conduct and respect for all individuals.¹ The Practice has adopted this policy in order to create a work environment free from unlawful discrimination of any kind, including sexual harassment and harassment based upon any other protected category. The types of discriminatory and harassing conduct described in this policy violate federal, state, and/or local law and is not permitted in our workplace.² Therefore, a violation of this policy can result in liability for the Practice.

If the Practice is aware of any possible violation of this policy, employees should expect that the Practice will conduct an investigation. Individuals who are found to be engaging in conduct that violates this policy are subject to corrective action, up to and including termination.

Equal Employment Opportunity

The Practice is an equal opportunity employer. This means that the Practice will base its employment decisions on merit, qualifications, competence and business needs as determined by the Doctors, and without regard to an employee’s protected category, or an employee’s association with a person in a protected category.

Protected categories include: age (18 or older), race (including traits associated with race such as hair texture and protective hairstyles), color, religion (including religious clothing, attire and facial hair), national origin, citizenship or immigration status, sex (including gender, gender identity, and gender expression), sexual orientation, pregnancy, disability, current or prior uniformed service (to include the reserves, guard, and any other component as defined by law), marital status, genetic information, domestic violence victim status, an employee’s or family member’s reproductive health decisions, or any other legally protected category.

¹ The protections of this policy apply to employees and non-employees, to include unpaid interns, contractors, and other persons conducting business in our workplace.

² The New York Human Rights Law makes it unlawful to, based upon any protected category, refuse to hire, employ, bar from employment, or discharge from employment, any individual or to discriminate against such individual in compensation or in terms, conditions, or privileges of employment.

Federal laws, to include the Civil Rights Act of 1964 and the Pregnancy Discrimination Act, protect individuals from workplace harassment and discrimination. These laws are enforced through the federal Equal Employment Opportunity (EEOC).

New York state law protects individuals from discrimination and retaliation on the basis of reproductive health decisions, and employees can seek remedies for violations in civil court. Remedies may include damages, injunctive relief, and/or reinstatement.

Many cities and counties also have their own local laws that are meant to protect employees from workplace misconduct.

Accordingly, the Practice strictly prohibits all forms of unlawful harassment, including discrimination or retaliation based on any protected category listed above. Any employee, (e.g. supervisor, manager, or co-worker), or non-employee third parties (i.e. intern, independent contractor, vendor) found to be engaging in unlawful discrimination, harassment, or retaliation, will be subject to corrective action, up to and including termination of employment or other appropriate remedial action.

Duty to Report and Prohibition Against Retaliation

Employees are encouraged to inform a harasser directly that the conduct is unwelcome and must stop. However, the Practice cannot address issues if we do not know about them. If you feel that you have experienced or witnessed unlawful discrimination, harassment, or retaliation, you must report such conduct to a doctor or department team lead immediately, utilizing the procedures set forth in the Employee Concern Reporting Policy outlined in our Core Policies Handbook.

All managers and supervisors are required to report any complaints, observations of, or knowledge of unlawful discrimination or harassment to the owners of the Practice. Knowingly allowing such behavior to continue can be expected to result in corrective action, and knowledge can create liability for the Practice.

In addition to harassment, employees are encouraged to report any unlawful employment practice, and to cooperate in any investigations of the same. It is against the law and against Practice policy to retaliate in any way against any employee who reports a violation of this policy, files a complaint, encourages another individual to report a violation, assists in a complaint investigation, or otherwise opposes an unlawful employment practice. If you believe that you have suffered unlawful retaliation in violation of this policy, please follow the Employee Concern Reporting Policy.

The Practice will take reasonable steps to investigate all concerns in a fair, timely, and thorough manner that ensures due process for all parties involved, to document progress, to take appropriate remedial action (if misconduct is found), and to communicate a resolution in writing. Confidentiality will be kept by the Practice, to the extent possible.

Definition of Workplace Harassment

Harassment is unwelcome verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of the individual's protected category (see list above).

Harassment becomes unlawful when enduring the conduct becomes a condition of continued employment, or when the conduct is severe or pervasive enough to create a working environment that a reasonable person would consider intimidating, hostile, or abusive. Petty slights, annoyances, and minor isolated incidents would not typically rise to the level of illegality.

Harassing conduct may include, but is not limited to the following:

- Communications such as offensive jokes, insults, slurs, epithets, ridicule, mockery, or name-calling, and physical threats, assaults, intimidation, or hostile acts, which relate to or are based on any protected category; and/or
- Displays of any kind, whether electronic or in hard-copy form, of objects, pictures, writings, recordings, or videos that are vulgar or sexually suggestive, or that are offensive or degrading to a person or group of persons based on any protected category.

A harasser may be by a supervisor, co-worker, or non-employee. A victim need not be the person harassed but can be anyone affected by the offensive conduct.

Definition of Sexual Harassment

Sexual harassment is a type of workplace harassment and is considered a form of employee misconduct. Sexual harassment is defined as unwanted sexual advances, such as requests for sexual favors, or other unwelcome verbal or physical conduct that is of a sexual nature or taken against an individual because of that individual's sex (to include gender, gender identity, gender expression, sexual orientation, transgender status, and pregnancy). Sexual harassment is unlawful when such conduct is made a condition of continued employment, or unreasonably interferes with the employee's work performance or creates a sexually hostile, intimidating or offensive work environment. Sexual harassment can occur between individuals regardless of each person's sex, gender, or sexual orientation. Examples of sexual harassment include, but are not limited to:

- Requesting sexual favors in exchange for favorable reviews, assignments, promotions, continued employment or promises of the same;
- Comments or questions about an individual's body, sexual preference, sexual prowess, or sexual deficiencies; and the use of sexually degrading or vulgar words to describe an individual;
- Sending sexually explicit, suggestive, or offensive communications via electronic means, such as email, text, or social media;
- Touching, leering, whistling at or brushing against the body, or sexually suggestive, insulting, or obscene comments or gestures;
- Display or communication of any kind, whether electronic or in hard-copy form, of objects, pictures, writings, recordings, or videos that are vulgar or sexually suggestive or that are offensive in a sexual manner; and

- Hostile actions taken because of someone's sex, such as: (1) interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job; (2) sabotaging an individual's work; (3) bullying, yelling, name-calling.

The Practice recognizes that sometimes it can be difficult to know what constitutes sexual harassment, since people and their perceptions and sensibilities are different and can change. Comments, jokes or personal advances that you may perceive as innocent or funny may be offensive to a coworker. You should know that even innocent intentions do not excuse actions that are unwelcome and that are reasonably perceived as threatening or offensive.

Therefore, the Practice encourages you to avoid misunderstandings by acting professionally, treating others with respect, and avoiding conduct that others could misinterpret either as welcoming of inappropriate conduct or as being inappropriate conduct.

Harassment By Others

Harassment by third parties, like patients or visitors, is also prohibited when directed against our employees. If any employee feels uncomfortable, threatened or harassed by a patient or visitor to our office, that employee should immediately report the situation so that appropriate action can be undertaken. Remedies for these types of situations may include but are not limited to asking the person to refrain from the offensive behavior, removing the employee from direct interaction with the person, and/or asking the person not to return.

Employees with Disabilities

The Practice complies with applicable state and federal laws that provide for nondiscrimination in the terms and conditions of employment and the provision of reasonable accommodations for qualified individuals with disabilities. You may be a qualified individual with a disability if you have a qualifying physical or mental disability or medical condition and can perform the essential functions of your job with or without a reasonable accommodation.

If you feel you are a qualified individual with a disability and need an accommodation to perform your job, you should make such an accommodation request to the doctors. Likewise, if the doctors become aware of the need for an accommodation by observation or from a third party, we may initiate an interactive process with you to determine if a reasonable accommodation is needed and/or can be made.

During the interactive process, the doctors will work with you to seek a reasonable accommodation that enables you to perform the essential functions of your job, as long as such accommodation does not pose an undue hardship on the Practice. After proper assessment, the doctors will advise you of our decision on your accommodation request.

All medical-related information is maintained in separate confidential files and will be kept confidential to the extent possible. While the Practice strives to allow only those persons with a need to know purpose be apprised of any medical or other information concerning your accommodation request, it should be noted that some disabilities or accommodations may be apparent to other team members.