

I.A.T.S.E. Local 16 Training Trust

Anti-Harassment Policy and Complaint Procedure

Local 16 Training Trust strives to create and maintain a work environment in which people are treated with dignity, decency and respect. Local 16 Training Trust is dedicated to providing a harassment-free and inclusive experience for everyone regardless of sex, gender identity and expression, sexual orientation, disabilities, genetic information, physical appearance, ethnicity, nationality, race, age, religion, Union membership, or other protected category. Local 16 Training Trust takes violations of our policy seriously and will respond accordingly.

All Local 16 Training Trust participants, employees, Trustees and vendors, regardless of their position, are covered and expected to comply with this policy and to take appropriate measures to ensure prohibited conduct does not occur.

Local 16 Training Trust values your participation. This policy aims to make clear that harassment of anyone, for any reason, is not acceptable. As such, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, the Local 16 Training Trust enforces this policy in accordance with the following definitions and guidelines:

Discrimination

It is a violation of Local 16 Training Trust's policy to discriminate in the provision of training opportunities, benefits or privileges; to create discriminatory training conditions; or to use discriminatory standards in training if the basis of that discriminatory treatment is, in whole or in part, sex, gender identity and expression, sexual orientation, disabilities, genetic information, physical appearance, ethnicity, nationality, race, age, religion, Union membership, or other protected category.

Harassment

Local 16 Training Trust prohibits harassment of any kind, including sexual harassment, and will take appropriate action in response to complaints or knowledge of violations of this policy. For the purpose of this policy, harassment is any conduct designed to threaten, intimidate, or coerce any Local 16 Training Trust participant.

The following examples of harassment are intended to be illustrative of potential violations of this policy:

- Comments that are offensive or unwelcomed, or reinforce social structures of domination related to sex, gender identity and expression, sexual orientation, disabilities, genetic information, ethnicity, nationality, race, age, religion, Union membership, or any other protected category.
- Distribution, display, or discussion of any written or graphic material (sexual or not) that ridicules, denigrates insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of sex, gender identity and expression, sexual orientation, disabilities, genetic information, ethnicity, nationality, race, age, religion, Union membership, or any other protected category.

Stalking, following, harassing photography or recording, sustained disruption of talks or other events, inappropriate physical contact, or unwelcomed sexual attention. Persons asked to stop engaging in any of the above or like conduct are expected to comply immediately.

Sexual Harassment

Sexual harassment is prohibited under the Local 16 Training Trust anti-harassment policy. Sexual harassment is defined as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which submission to or rejection of such conduct has the purpose or effect of creating an intimidating, hostile or offensive environment.

Sexual harassment occurs when unsolicited and unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Is made explicitly or implicitly a term or condition of participation.
- Is used as a basis for participation or continued participation.
- Unreasonably interferes with a participant’s involvement in or creates an intimidating, hostile or otherwise offensive environment.

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

- Innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats, requests for any type of sexual favor; and verbal abuse or “kidding” based on sex and is unwelcomed.

- Distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; leering; staring; obscene gestures; content in letters, notes, emails, photos, or other forms of communication that are sexual in nature and offensive and/or unwelcomed.
- Unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, intentional brushing up against, hugging, cornering, kissing, fondling, and sexual assault.

Courteous, mutually respectful, pleasant, non-coercive interactions between participants, employees, Trustees and vendors that are acceptable to, by mutual consent, and welcome by other parties are not considered to be harassment.

Retaliation

No loss, benefit, or penalty may be imposed on any participant, employee, Trustee or vendor in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Lodging a bona fide complaint will in no way be used against the participant, employee, Trustee or vendor or have an adverse impact on the individual's status with the Training Fund.

Any person who is found to have violated this aspect of the policy will be subject to discipline up to the maximum allowable under Trust provisions, Federal, State and Local laws.

Confidentiality

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation, and the Trustees and Training Director will take adequate steps to ensure the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in Training Trust files for a period of 2 years following the completion of an investigation.

Nothing in this policy prevents the complainant or the respondent from pursuing formal legal remedies or resolution through local, state, or federal agencies.

Complaint Procedure

Local 16 Training Trust has established the following procedure for lodging a complaint of harassment, discrimination or retaliation. The Training Trust will treat all aspects of the procedure confidentially to the extent reasonably possible.

1. Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing to the Training Director. The Training Director may assist the complainant in completing a written statement or, in the event a participant refuses to provide information in writing, the Training Director will transcribe the verbal complaint.
2. Upon receiving a complaint, the Training Director will notify the Trustees and review the complaint with counsel.
3. In a timely manner, the Training Director or Trustees will initiate an investigation to determine whether there is a reasonable basis for believing that an alleged violation of this policy occurred.
4. To the extent possible, the complainant and the respondent will be separated during the course of the investigation.
5. During the investigation, the Training Director or investigator will separately interview the complainant, respondent and any witnesses to determine whether the alleged conduct occurred.
6. Upon the conclusion of an investigation and in a timely manner, the Training Director or investigator will submit a written report of findings to the Trustees. If it is determined that a violation of this policy has occurred, the Training Director will recommend appropriate disciplinary action, up to and including removal from the training program or termination, to the Trustees. The appropriate action will rely on the following factors:
 - a. The severity, frequency and pervasiveness of the conduct;
 - b. Prior complaints of a similar nature made against the respondent; and
 - c. The quality of the evidence (e.g., firsthand knowledge, credible corroboration).
7. The Trustees will review the investigative report and any statements submitted by the complainant or respondent, discuss the results of the investigation with the Training Director or investigator as appropriate, and decide what action, if any, will be taken.
8. If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the Training Director may recommend appropriate preventative action instead of or in addition to discipline.
9. Once a decision is made by the Trustees, the Training Director will meet with the complainant and the respondent separately and notify them of the findings of the investigation. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

10. If the complainant is against the Training Director, the complaint should be filed with one of the Trustees.