



Policy Against Discrimination, Harassment and Retaliation

1. Purpose

Break Free Foundation ("Break Free" or the "Foundation") is committed to providing a working environment that is free from unlawful discrimination, harassment, and retaliation, and strives to afford fair and equitable treatment to all employees, regardless of their position. The purpose of this policy is to prohibit discrimination and harassment based on an employee's protected class and to prohibit retaliation for bringing a claim alleging a violation of this policy or participating in a review of any such claim.

2. Scope

This policy applies to all Staff, Trustees, non-Trustees, Executive Board Members, Volunteers, Advisory Board Members, members of all committees of the Board or the Board of Trustees, officers, administrators, staff members, employees, visitors, vendors, and guests. This policy does not abridge or supersede an individual's rights and remedies under the law.

3. Definitions

A. Discrimination. Discrimination is unwelcome conduct or action based on a person's protected class status that may adversely and unreasonably interfere with someone's education or work. It is determined based on the perspective of a reasonable person of the same protected class as the person experiencing the discrimination. Examples of discrimination may include, but are not limited to:

- i. Adverse actions, based on a person's protected class status, affecting the terms or conditions of the educational program, activity or employment.
- ii. Unwelcome remarks, comments or innuendos about a person's protected class, whether oral, written, or digital.
- iii. Insults or threats based on protected class.

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B. Protected Class. A group of people with a common characteristic who are protected by federal, state and local laws from discrimination and harassment based on that characteristic. Protected classes include, but are not limited to: age, sex, creed, disability and/or handicap, race, color, religion, national origin, nationality or ancestry, affectional or sexual orientation, gender identity or expression, pregnancy, veteran status or military service, marital status, domestic partnership or civil union status, status as a domestic violence victim, arrest status, AIDS and/or HIV status, atypical hereditary cellular or blood trait, genetic information, or membership in any other class protected by state or federal laws, now or in the future.

For any complaint alleging sexual harassment or sexual misconduct, Break Free's prohibitions against sexual misconduct, sexual harassment, and retaliation are detailed in the Bylaws, the [Break Free Foundation Bylaws](#).

C. Discriminatory Harassment. Discriminatory harassment is unwelcome conduct that denigrates or shows hostility or aversion toward an individual because of that individual's membership in a protected class. Hostile environment discrimination is a type of discriminatory harassment that is based on a person's protected class and is conduct that a reasonable person would consider so offensive, severe, persistent, or pervasive as to interfere with a person's ability to participate in educational or work activities or programs. Harassment can be verbal, written, graphic, physical or through digital, online, or social media communications. Discriminatory harassment on the basis of protected class status may also occur when conduct is directed at a group because of their protected class.

D. Retaliation. Retaliation is an act of intimidation, harassment, or reprisal against an individual for initiating a good faith complaint, participating in any proceeding under this policy, or for otherwise exercising his/her rights under this policy or the law.

E. Preponderance of the Evidence. Preponderance of the evidence is defined to mean more likely than not. It is the standard of proof applied in determining responsibility under this policy.



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4. Policy

A. Zero-Tolerance. Break Free abides by all applicable federal and state laws that prohibit discrimination and is committed to providing an environment that is free of unlawful discrimination and harassment. Under this policy, unlawful discrimination and harassment based on protected class status in all forms and retaliation are strictly prohibited.

B. Procedure and Standard of Proof Applied to Determine Violation. Once a report is made, Break Free will initiate a prompt, thorough, and impartial investigation of allegations of discrimination, harassment, and/or retaliation under this policy, pursue effective and reliable procedures and remedies, and seek to protect the rights of those involved. A finding that a violation of Break Free's policy occurred is made by applying a preponderance of the evidence standard.

C. Claims of Retaliation. Retaliation is a separate, serious offense under this policy and will be considered independently from the merits of the underlying allegation. Upon a finding that retaliation has occurred, the actor will be subject to disciplinary action up to and including, termination of employment or expulsion from Break Free as applicable.

D. Cooperation. All members of the Break Free workforce and greater Break Free community have an obligation to cooperate in achieving Break Free's goal of an environment free of unlawful discrimination and harassment.

E. False Accusations. Anyone who knowingly makes a false accusation of discrimination, harassment and/or retaliation will be subject to appropriate action, which may include disciplinary action up to and including, termination of employment or expulsion from Break Free as applicable.

F. Prevention of Harassment, Discrimination and Retaliation. While the prevention of harassment, discrimination and retaliation is the responsibility of all members of the Break Free community, managers and supervisors must set the example in treating all people with mutual respect and dignity, fostering a positive climate, and taking appropriate action when conduct is

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disruptive, provoking, discriminatory or otherwise unprofessional. Any manager or supervisor who receives a complaint of harassment, discrimination or retaliation, or otherwise becomes aware of possible harassment, discrimination or retaliation, must report such information promptly, even if the complainant or potential victim does not report to that particular manager/supervisor and even if the complainant or potential victim requests that the complaint not be escalated or investigated. Managers and supervisors who knowingly allow or tolerate discrimination, harassment, or retaliation, including the failure to immediately report such actions in accordance with this policy, are in violation of this policy and subject to discipline.

5. Reporting, Confidentiality and Privacy

In an emergency, go to a safe place and call 911.

A. Reporting

1. Community Reporting Obligations. All members of the Break Free community, who have knowledge of a violation of this policy or who learn of allegations of discrimination, harassment, and/or retaliation in violation of this policy (except those granted confidentiality in their role by law or policy) are required to report all such instances to the applicable office or individual set forth below.

2. Individuals. Anyone subjected to discrimination, harassment and/or retaliation is strongly encouraged to contact the applicable office or individual that can provide information about the variety of available reporting options and support services, (including counseling and medical help), and can assist in contacting law enforcement. The best person to contact depends on whether the individual wishes to make a confidential report or is a student or employee, but any individual listed below can assist in accessing resources.

3. Reporting Options.

a. Confidential Reporting for Support Group Members, Volunteers, etc.

Communications made in confidence to a person with a legal privilege in the course of

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their professional work means that person cannot disclose the matter to anyone unless there is a risk of harm or permission is granted.

b. Confidential Reporting for Employees.

- Options will be available once Break Free has an HR department and paid employees.

c. Private Reporting for Support Group Members, Volunteers, etc. While the privilege of confidentiality is limited to persons with a recognized legal privilege, the following individuals can provide information about reporting options and procedures and assist in facilitating support.

Alexandra Nyman, the President and CEO of the Break Free Foundation, you can reach her at team@breakfreenyfw.com

Erin Ranta, the Vice President of the Break Free Foundation, you can reach her at soberpilatesmom@gmail.com

If the report involves actions by any other member of the Break Free community to which this Policy applies, including Staff, Trustees, non-Trustees, Executive Board Members, Volunteers, Advisory Board Members, members of all committees of the Board or the Board of Trustees, officers, administrators, staff members, employees, visitors, vendors, and guests. please report the incident first to Meta, and then contact:

Alexandra Nyman, the President and CEO of the Break Free Foundation, you can reach her at team@breakfreenyfw.com

d. Reporting to Law Enforcement. Break Free strongly encourages individuals to make a report to law enforcement of all criminal acts of discrimination, harassment, and retaliation. Contact local law enforcement or call 911.

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Physical evidence, including documents, emails, texts, photos, and videos should be preserved, and law enforcement can always help in doing so.

6. Responsive Action

- A.** Break Free's procedures for responding to allegations of violations vary depending on whether the alleged actor is a Staff, Trustees, non-Trustees, Executive Board Members, Volunteers, Advisory Board Members, members of all committees of the Board or the Board of Trustees, officers, administrators, staff members, employees, visitors, vendors, and guests..
- B.** Review of complaints against a Staff, Trustees, non-Trustees, Executive Board Members, Volunteers, Advisory Board Members, members of all committees of the Board or the Board of Trustees, officers, administrators, staff members, employees, visitors, vendors, and guests., will be guided by the laws in the State of New York.
- C.** Break Free reserves the right to take appropriate responsive action for violation of this policy. Responsive action may include discipline, up to and including the following: the termination of employment or engagement; or the prohibition of service as a volunteer. Break Free may also impose interim and/or protective measures prior to any finding or determination. Sanctions are disclosed as required by law.
- D.** Break Free may refer non-members of the Break Free community to law enforcement, or ban or limit their entrance, or participation, in Break Free activities.

7. Approved

Revised and approved by Alexandra Nyman, President, on the recommendation of the Board of Directors on 02/24/23.

8. Effective Date

Initial: 02/24/23