

CVFIBER POLICY AGAINST HARASSMENT, DISCRIMINATION, AND RETALIATION

CVFiber is committed to providing a work environment that is free from any unlawful discrimination, harassment, and retaliation of any kind. All Employees and board members are required to read this policy and sign the Policy Against Harassment, Discrimination, and Retaliation Acknowledgement Form. This policy also applies to applicants, customers, suppliers, vendors, Board members, volunteers, contractors, partners, committee members, and any other person doing business with CVFiber. Violators of this policy shall be disciplined up to and including separation from working or otherwise participating in the operation or governance of CVFiber.

Vermont and federal law prohibit employment discrimination, harassment, and retaliation based on race, color, religion, ancestry, sex, sexual orientation, gender identity and expression, age, national origin, place of birth, ethnicity, citizenship, marital status, physical or mental disability, military service or veteran status, HIV status, pregnancy, health coverage status, genetic information, crime victim status, or any other category protected under federal or state law.

CVFiber will not tolerate any discrimination, harassment, or retaliation by supervisors, co-workers, or others. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, training, promotion, discipline, compensation, benefits, and termination of employment. This policy also applies to discrimination, harassment, and retaliation involving applicants, customers, suppliers, vendors, Board members, volunteers, contractors, partners, committee members, and others doing business with CVFiber, both during work-related activities and at CVFiber-sponsored functions or events.

Discrimination

For the purposes of this policy, “discrimination” is defined as making decisions about the terms or conditions of a person’s employment on the basis of their possessing a protected characteristic, or on the basis of related stereotypes or biases.

Harassment

“Harassment” is defined as statements or conduct of a verbal (oral, written, or electronic) or physical nature that denigrate or show hostility or aversion toward an individual because that individual possesses a legally protected characteristic, and that (a) have the purpose or effect of creating an intimidating, hostile, abusive, or offensive work-related environment; or (b) have the purpose or effect of unreasonably interfering with a reasonable Employee’s ability to do their job, because of that Employee’s legally protected characteristic.

Examples of harassment include, but are not limited to, the following:

- Directing abusive, harassing, inappropriate, insulting, or intimidating behavior, comments, or communications toward an individual because they have a protected characteristic;
- Jokes or derogatory expressions or comments reasonably offensive to someone having a particular protected characteristic;
- Display of graphics, cartoons, or objects reasonably offensive to someone having a particular protected characteristic;
- Sending electronic mail messages or attachments that are offensive for the reasons described above;
- Physical contact or gestures based on an individual's protected characteristic;
- Micromanaging or exhibiting distrust of an individual's ability to do their work based upon that individual's protected characteristic; or
- Other conduct reasonably offensive to someone having a particular protected characteristic because of that characteristic.

Sexual Harassment

Sexual harassment in the workplace is illegal under federal and Vermont law and is strictly prohibited. CVFiber is committed to providing a workplace free from this unlawful conduct. All Employees have the right to work without being subjected to insulting, degrading, or exploitative treatment on the basis of their sex, sexual orientation, or gender identity.

Sexual harassment is a form of sex discrimination and means any harassment based on someone's sex, gender, or gender identity. It includes harassment that is not necessarily sexual in nature (for example, offensive remarks about an individual's sex, gender, or gender identity), any unwelcome sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature when any of the following is true:

- Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct is used as a component of the basis for employment decisions affecting that individual; or
- Such conduct has the purpose or effect of interfering with an individual's work or creating an intimidating, hostile, humiliating, or offensive work environment for the intended target of the sexual harassment, or anyone else who sees or experiences the conduct.

Examples of sexual harassment include, but are not limited to, the following:

- Explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors and/or whether an individual submits to sexual advances;
- Touching or grabbing a sexual part of an individual's body;
- Unwelcome physical contact, flirtation, or advances of a sexual nature;

- Continuing to ask an individual to socialize on or off duty when that person has indicated they are not interested;
- Displaying or transmitting pictures, objects, cartoons, gestures, or posters of a sexual or sexually degrading nature;
- Continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- Referring to or calling a person a sexualized name;
- Jokes, derogatory expressions, e-mail (including attachments) or other communications or comments of a sexual nature, including those using sexually vulgar or explicit language;
- Making derogatory or provoking remarks about or relating to an individual's sex, sexual orientation, or gender identity;
- Any act, policy, or practice that has the effect of creating, facilitating, or permitting the existence of a work environment that is hostile to individuals based on sex through acts such as, but not limited to, physical or verbal abuse or derogatory comments;
- Directing harassing or hostile acts or behavior toward a person on the basis of their sex, sexual orientation, or gender identity, including but not limited to, interfering with, destroying, or damaging an individual's workstation, tools, or equipment, or otherwise interfering with the individual's ability to perform the job; and
- Any off-duty conduct that falls within the above definitions and affects the work environment.

Unlawful harassment may occur between any individuals, regardless of their sex, gender identity, or other protected characteristics. A perpetrator of unlawful harassment can be a superior, a co-worker, or anyone in the workplace. Victims can be bystanders of the individual at whom the unwelcome sexual conduct is directed. Unlawful harassment is not limited to the physical workplace itself. It can occur while individuals are traveling for business or at CVFiber-sponsored events or parties. Calls, texts, emails, and social media usage by individuals can constitute unlawful workplace harassment, even if they occur away from the workplace or outside of work hours. Unlawful harassment by an individual that occurs off-duty and off-premises that falls within the above definitions, and that affects the work environment as described above, may also constitute harassment prohibited by this policy.

Retaliation

Retaliation in the workplace is a form of unlawful discrimination that occurs when an employer takes an adverse action against an Employee, applicant, or other covered individual, because they engaged in a protected activity, including filing a complaint of discrimination either internally or externally, or participating in an investigation of alleged workplace misconduct. CVFiber strictly prohibits and does not tolerate unlawful retaliation against any Employee in connection with engaging in a protected activity.

All forms of unlawful retaliation are prohibited, including any form of discipline, reprisal, intimidation, or other form of retaliation for participating in any activity protected by law. Examples of protected activities include:

- Lodging a good faith complaint (written or oral) specifically opposing unlawful discrimination or harassment (for example, if an Employee believes and reports that they have been sexually harassed).
- Complaining about violations of wage and hour law (for example, if an Employee believes and reports that they have not been paid overtime they are owed).
- Filing a good faith complaint of unlawful discrimination or harassment, including sexual harassment, with the U.S. Equal Employment Opportunity Commission (“EEOC”) or any similar state or local agency, or in court.
- Participating in CVFiber’s internal investigation or an external agency’s investigation into allegations of discrimination or harassment, including sexual harassment.
- Supporting another Employee’s internal or administrative complaint of unlawful discrimination or harassment (by, for example, testifying or providing an affidavit in support of a co-worker who has filed a discrimination complaint with the EEOC).
- Requesting an accommodation under the Americans with Disabilities Act or state anti-discrimination statutes.
- Requesting or taking leave under leave laws, or filing workers compensation claims.

Examples of retaliation include, but are not limited to:

- Demoting an Employee for filing or being a witness in an equal employment opportunity charge, complaint, investigation, or lawsuit.
- Disciplining an Employee for discussing employment discrimination with a supervisor or manager.
- Refusing to hire a candidate because they resisted sexual advances.
- Changing an Employee’s work schedule to less desirable hours because that Employee filed an internal complaint of sexual harassment.
- Making fun or otherwise joking about someone who has made a complaint.
- Retaliating in any way against an Employee who filed or supported a complaint of sexual harassment (e.g., ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person’s duties or work environment, etc.).

The examples above are illustrative only, and not exhaustive. No form of retaliation for any protected activity will be tolerated.

Employees making a good-faith complaint under this policy in any form, whether through CVFiber’s internal process, or to federal or state agencies, will not be subject to retaliation and such retaliation is illegal and strictly prohibited.

Discrimination, Harassment, Sexual Harassment, and Retaliation Complaint Procedure

Employees who believe that they have been the target of harassment, discrimination, and/or retaliation, are encouraged to inform directly the offending person or persons that such conduct is offensive and must stop. Employees who experience or become aware of any harassment, discrimination, or retaliation that they believe is unlawful should report the incident immediately to the Governing Board Chair. If the incident involves the Governing Board Chair, or the Employee is otherwise uncomfortable reporting to that individual, the Employee should report the incident to the Executive Director. All supervisors are required to respond to and report any complaint or suspected acts of harassment, including sexual harassment, discrimination, and retaliation. CVFiber will request that a written description of the complaint be provided so that it will have a clear understanding of the nature of the complaint.

A thorough and impartial investigation of all complaints will be conducted, and CVFiber will endeavor to handle such complaints expeditiously. The confidentiality of any information provided will be protected to the extent possible. Disclosure will be made only on a need-to-know basis, or as may be reasonably necessary to successfully complete the investigation. All Employees are required to cooperate fully with any investigation. They will be informed of their Garrity rights which lay out proper conduct during the investigation. Failure to fully cooperate as required may result in discipline, up to and including termination of employment. It shall be a violation of this policy for any Employee who learns of the investigation or complaint to take any retaliatory action that affects the working environment of any person involved in the investigation.

When the investigation ends, a determination will be made and the results will be communicated to the complainant, the alleged offender, and others involved, including Board members as appropriate. If it is determined that unlawful or unacceptable harassment, discrimination, or retaliation has occurred, CVFiber will take immediate and appropriate corrective action. No person will be adversely affected in employment with CVFiber as a result of bringing a good faith complaint of harassment, discrimination, or retaliation.

If the complainant is dissatisfied with CVFiber's action, or is otherwise interested in doing so, they may, at any time, file a complaints of harassment, discrimination, and/or retaliation by writing or calling the following agencies:

- Civil Rights Unit
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609-1001
Tel: (802) 828-3657 (voice)
(888) 745-9195 (Toll Free VT)
(802) 828-3665 (TTY)
Fax: (802) 828-2154
Email: ago.civilrights@vermont.gov
Online: <http://ago.vermont.gov/divisions/civil-rights/>

- Equal Employment Opportunity Commission
JFK Federal Building
15 New Sudbury Street, Room 475
Boston, MA 02203
Tel: 1 (800) 669-4000 (voice)
1 (800) 669-6820 (TTY)
1 (844) 234-5122 (ASL Video)
Fax: 617-565-3196
Email: info@eeoc.gov
Online: <https://www.eeoc.gov/how-file-charge-employment-discrimination>

These agencies may conduct impartial investigations, facilitate conciliation, and, if they find that there is probable cause or reasonable grounds to believe unlawful harassment occurred, they may take a case to court.

POLICY AGAINST BULLYING

Objective

The purpose of this policy is to communicate to all Employees and Board Members that CVFiber will not *in any instance* tolerate bullying behavior. This policy applies to Employees, Board Members, volunteers, contractors, partners, committee members, and other person affiliated with CVFiber. Violators of this policy will be disciplined, up to and including separation from working or otherwise participating in the operation or governance of CVFiber.

Definition

CVFiber defines bullying as mistreatment that a reasonable person believes would cause harm to another person. It can include any intentional written, verbal, or physical act, when the act physically harms the individual or damages their property; has the effect (similar to harassment) of interfering with the employee's peace of mind or ability to work and creates an intimidating, hostile, or threatening work environment.

Such behavior violates CVFiber's Code of Conduct, which clearly states that all Employees, CVFiber officials, and members of the public will be treated with dignity and respect. Certain instances of bullying may also violate the law.

Examples

CVFiber considers the following types of behavior examples of bullying:

- **Verbal bullying.** Slandering, ridiculing or maligning a person or their family; persistent name-calling that is hurtful, insulting or humiliating; using jokes about a person to humiliate or embarrass them; abusive and offensive remarks.

- **Physical bullying.** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
- **Gesture bullying.** Nonverbal gestures that can convey threatening messages.
- **Exclusion.** Socially or physically excluding or disregarding a person in work-related activities.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Shouting or raising one's voice at an individual in public or in private.
- Using obscene or intimidating gestures.
- Not allowing the person to speak or express themselves (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- Public reprimands.
- Repeatedly accuse someone of errors that cannot be documented.
- Deliberate and inappropriate interference with mail and other communications.
- Spreading rumors and gossip regarding individuals.
- Encouraging others to disregard a supervisor's instructions.
- Manipulating the ability of someone to do their work (e.g., overloading, underloading, withholding information, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- Assigning menial tasks not in keeping with the normal responsibilities of the job.
- Taking credit for another person's ideas.
- Refusing reasonable requests in the absence of work-related reasons.
- Deliberate and inappropriate exclusion of an individual or isolating them from work-related activities, such as meetings.
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).

All Employees are strongly encouraged to report any bullying conduct they experience or witness as soon as possible to their supervisor, the Executive Director, Chair of the Governing

Board, or any governing board member that they may be comfortable discussing the conduct with to allow CVFiber to take appropriate action.

Adopted by the CVFiber Governing Board on October 10, 2023