

PROHIBITED HARASSMENT, INAPPROPRIATE AND OFFENSIVE BEHAVIOR AND DISCRIMINATION POLICY

EMPLOYER will not tolerate discrimination or harassment on the basis of any protected class including race, creed, color, religion, sex, including pregnancy, sexual orientation, gender identify or expression, national origin, disability, age, familial status, or any other class protected by federal, state or local laws (hereinafter referred to as "Protected Class").

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of EMPLOYER to ensure equal employment opportunity to all applicants and employees without regard to race, creed, color, religion, sex, including pregnancy, sexual orientation, gender identify or expression, national origin, disability, age, familial status, or any other class protected by federal, state or local laws. In addition, EMPLOYER prohibits discrimination or harassment based on protected class. This policy applies to all management practices and decisions and terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

Employees and applicants are also protected from retaliation for engaging in protected activity such as reporting discrimination or unlawful harassment or participating in an investigation into a complaint of discrimination or harassment.

It is the policy of EMPLOYER to investigate reports of discrimination, harassment, and retaliation promptly and thoroughly.

INDIVIDUALS AND CONDUCT COVERED BY THIS POLICY

This policy applies to all applicants and employees, whether related to conduct engaged in by fellow employees or by someone not directly connected to EMPLOYER (e.g., an outside vendor, sub-contractor, consultant, or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting connected to the workplace such as business trips, business meetings and business-related social events.

HARASSMENT AND OFFENSIVE BEHAVIOR POLICY

INTRODUCTION: Harassment under this policy is defined as unwelcome verbal, visual or physical conduct that denigrates or shows hostility or aversion towards an individual because of any actual or perceived protected class (outlined above) or which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Prohibited harassment under this policy may be verbal (including slurs, jokes, insults, epithets, gestures, or teasing), visual (including offensive posters, symbols, cartoons, drawings, computer displays, text messages, social media posts or e-mails) or physical conduct (including physically threatening another, blocking someone's way, etc.). Because it is difficult to define unlawful harassment, employees are expected to behave at all times in a manner consistent with the intended purpose of this policy.

The intent of this policy is to deter disrespectful, intimidating, hostile, degrading, humiliating or offensive behavior. Such conduct violates this policy, even if it does not rise to the level of a violation of applicable federal, state, or local laws.

POLICY: No employee, contractor or third party may engage in discrimination, harassment, or offensive behavior. Unlawful harassment is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of that person's protected class if the conduct:

1. Has the purpose or effect of creating an intimidating, hostile or offensive work environment.
2. Has the purpose or effect of unreasonably interfering with an individual's work performance, or
3. Otherwise adversely affects an individual's employment opportunities.

The following are non-exclusive examples of prohibited discrimination, harassment and offensive or inappropriate behavior based on protected class. Please note that these are not the only examples.

Harassment and offensive behavior can be physical, verbal, visual or written or a combination of behaviors. Examples include, but are not limited to the following:

- Negative stereotyping, name-calling or slurs that relate to protected class.
- Threatening, intimidating or hostile acts that relate to protected class.
- Written, electronic or graphic material that belittles or shows hostility or aversion toward an individual or group because of protected class.

Sexual Harassment. A specific form of prohibited harassment is sexual harassment. Sexual harassment may include:

- Making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of an employee's obtaining employment or continuing employment; or
- Making submission to or rejection of such conduct the basis for employment decisions affecting an employee.
- Creating an intimidating, hostile or offensive working environment or otherwise substantially interfering with an individual's employment by such conduct; or

The following are examples of sexual harassment. Please note that these are not the only examples.

- Direct and indirect suggestions that an employee's job security, job assignment, conditions of employment or opportunities for advancement depend in any way on the granting of sexual favors or relations.
- Unwelcome sexual flirtations, propositions, and invitations to social events.
- Unwelcome physical contact or physical closeness, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, and fondling, including forced sexual contact.
- Use of words of a sexual nature describing body parts or sexual acts, telling "suggestive" jokes or stories, and conversations about sexual exploits or sexual desires.

- Displaying in the workplace sexually suggestive objects, pictures, cartoons, or representations of any action or subject which is sexual in nature, and which can be perceived as offensive;
- Sabotaging an employee's character, reputation, work effects, or property because of sex or gender.

IMPORTANCE OF COMMUNICATION

Respect for coworkers and effective communication are necessary elements in achieving the goals of a workplace free from discrimination, harassment and offensive or inappropriate behavior. It is assumed that respectful and courteous behaviors are the usual forms of communication. However, because the workplace is composed of individuals who have varying levels of sensitivity, individuals are often not aware of the offensive nature of their behavior or communications. If an employee is comfortable speaking directly to the person engaging in offensive behavior, employees are encouraged to take this step.

REPORTING AN INCIDENT OF HARASSMENT OR DISCRIMINATION

If an employee has experienced or witnessed discrimination, harassment, offensive or inappropriate behavior, EMPLOYER encourages employees to report your concerns regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should report their concerns with any of the following people, your immediate supervisor, Human Resources, or _____.

For managers/supervisors/forepersons or other organizational leaders, reporting employee concerns or observed behavior in violation of this policy is mandatory.

Once EMPLOYER has received a report of harassment, offensive behavior or retaliation, the following will take place:

1. An employee may be asked to put the facts surrounding the offensive conduct or communication in writing.
2. EMPLOYER will take steps to investigate the complaint.

3. The investigation may include interviews with the employee making the claim, the accused employee, and appropriate witnesses, depending upon the individual circumstances of the matter.
4. During the complaint and investigation process, the confidentiality of the information received, the privacy of all individuals involved, and the wishes of the complaining person will be protected to the greatest extent possible.
5. When the investigation is concluded, the determination of whether the complained of behavior violated this policy, will be made on a case-by-case basis, depending upon the circumstances of the matter, including the type of harassment alleged, the context in which the alleged harassment occurred, and any other facts deemed relevant.
6. The employee making the complaint will be kept apprised of the status of the investigation and advised of the final disposition of the matter.
7. If the complaint is substantiated, the EMPLOYER will take immediate and proportionate corrective action.
8. A violation of this policy may be grounds for discipline, up to and including discharge, or other appropriate action. Discipline will be determined on a case-by-case basis, after a review of relevant information. Responsive action may include, for example, training, referral to counseling or disciplinary action such as a warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination, as EMPLOYER believes appropriate under the circumstances.
9. Information gathered as part of an investigation will be kept confidential to the greatest extent possible.
10. EMPLOYER will not retaliate against an employee for making a report under this policy, and EMPLOYER will not tolerate or permit retaliation by management, co-workers or third parties against an employee who brings a complaint of harassment or who participates in the investigation of a complaint of prohibited harassment.

False and malicious complaints of harassment, discrimination, or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

Any questions regarding your obligations and those of others under this Policy should be directed to_____.

CONSENSUAL RELATIONSHIPS

Consenting or voluntary romantic and sexual relationships between a person in management and an employee, while not forbidden, are considered by the EMPLOYER as unwise and having the potential for charges of inappropriate behavior or sexual harassment. Given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others or, at a later date, by the staff member as having been given as the result of coercion or intimidation. In addition, if the relationship is known to staff, the relationship can create perceptions of bias, favoritism, intimidation, coercion or exploitation and could undermine the spirit of trust and mutual respect that is a key to a functioning and healthy work environment.

It is the expectation of EMPLOYER that if employees enter a romantic or consensual sexual relationship where one party has supervisory authority (direct or indirect and real or perceived) over the other, that both employees will notify [HR Director or other appropriate person] about the relationship so appropriate steps can be taken to confirm that the relationship is fully and mutually consensual.

Employees need to be aware that if one of the parties has any supervisory authority over the other (real or perceived) one or both may be moved to a different department, and, if appropriate, or other actions may be taken. Factors to be considered in making this decision include the title of the supervisory employee, whether the reporting relationship is direct or indirect and the effect of the relationship on co-workers).

If EMPLOYER becomes aware of a sexual or romantic relationship between staff members with whom there is a direct or indirect reporting relationship, the matter will be reviewed by human resources.

A charge of sexual harassment arising out of such a relationship will be investigated under these policies and procedures in the same manner as any other complaint.

HOW TO GET MORE INFORMATION

Any questions regarding your obligations and those of others under this Policy should be directed to_____.