

Please contact your HR department or company representative for any questions regarding this policy or the information contained in this course.

Anti-Sexual Harassment and Anti-Discrimination Policy

Objective

Our organization believes all our employees deserve a work environment in which everyone is treated with dignity, decency and respect. Consequently, it is our goal to create an environment characterized by mutual trust, free of unlawful discrimination, harassment or retaliation of any kind. We expect that all relationships among persons in the office will be professional and free of bias, prejudice and harassment.

We are committed to making every reasonable effort to ensure all concerned are familiar with our anti-sexual harassment and anti-discrimination policies and are aware that any complaint or violation of such policies will be investigated and resolved appropriately.

Scope of This Policy

All employees, regardless of position, are covered by and are expected to comply with this policy and take appropriate measures to ensure that prohibited conduct does not occur. We will take appropriate disciplinary action against any employee who violates this policy, including verbal or written reprimand, suspension or termination of employment, depending on the seriousness of the situation.

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

Managers and supervisors who knowingly allow or tolerate discrimination, harassment or retaliation, including the failure to immediately report such misconduct to human resources (HR), are in violation of this policy and subject to discipline.

Prohibited Conduct Under This Policy

Our organization complies with all applicable federal, state and local anti-discrimination and harassment laws and regulations and our policy adheres to the following definitions and guidelines:

Discrimination

Our organization's policy prohibits discrimination in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information or marital status.

A variety of federal, state and local laws strictly prohibit such forms of discrimination, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967 and

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the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

Harassment

Our organization prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker or any person working for or on behalf of our organization.

The following examples of harassment are guidelines only and not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, gender, sexual orientation, sexual identity, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status or other protected status.

Sexual harassment

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964. Our organization's anti-harassment policy prohibits all forms of sexual harassment. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature ... when ... submission to or rejection of such conduct is used as the basis for employment decisions ... or such conduct has the purpose or effect of ... creating an intimidating, hostile or offensive working environment."

Sexual harassment occurs when unsolicited and unwelcome 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 employment.
- Is used as a basis for an employment decision.

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- Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

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

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- Nonverbal sexual harassment includes the 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; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and Internet postings; or other forms of communication that are sexual in nature and offensive.
- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, noncoercive interactions between employees that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

Consensual Romantic or Sexual Relationships

Our organization prohibits romantic or sexual relationships between a manager or other supervisory employee and his or her staff (an employee who reports directly or indirectly to that person) as such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, others may view such a relationship as leading to favoritism or bias in employment decisions affecting the staff employee. Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others — or subsequently by the staff member — as given as the result of coercion or intimidation. Such appearances of bias, favoritism, intimidation, coercion or exploitation undermine the spirit of trust and mutual respect that is essential to a healthy work environment.

If any employee of our organization enters into a consensual relationship that is romantic or sexual in nature with a member of his or her staff (an employee who reports directly or

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indirectly to him or her), or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify the HR director or other appropriate corporate officer. Such reporting is mandatory given the potential issues regarding quid pro quo harassment — when a manager/supervisor requires sex, sexual favors or sexual contact from an employee/job candidate as a condition of employment. This requirement does not apply, however, to employees who do not work in the same department or to parties where neither one supervises or otherwise manages responsibilities over the other.

Once our organization become aware of such a relationship, we will review the situation with human resources in light of all the facts (reporting relationship between the parties, effect on co-workers, job titles of the parties, etc.) and will determine whether one or both parties need to be moved to another job or department. If it is determined that we must move one party and there are jobs in other departments available for both, the parties may decide who will be the one to apply for a new position. If the parties cannot amicably come to a decision, or the party is not chosen for the position to which he or she applied, the HR director and senior management will decide which party will be moved. We will base such decision on which move will be least disruptive to the organization. If no other jobs are available for either party, the parties will be given the option of terminating their relationship or resigning.

Retaliation

No hardship, loss, benefit or penalty may be imposed on an employee 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; or
- Serving as an investigator of a complaint.

Lodging a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Any person who is found to have violated this aspect of the policy will be subject to discipline up to and including termination of employment.

Confidentiality

Our organization treats all complaints and investigations confidentially to the extent possible, and discloses information strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation, and the HR director will take adequate steps to ensure the complainant is protected from retaliation during and after the investigation. We maintain all information pertaining to a complaint or investigation under this policy in secure files within the HR department.

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Complaint procedure

Our organization has established the following procedure for lodging a complaint of harassment, discrimination or retaliation. We will treat all aspects of the procedure confidentially to the extent reasonably possible.

1. Employees should submit complaints as soon as possible after an incident has occurred, preferably in writing. The HR director may assist the complainant in completing a written statement or, in the event an employee refuses to provide information in writing, the HR director will dictate the verbal complaint.
2. Upon receipt of a complaint or being advised by a supervisor or manager that violation of this policy may be occurring, the HR director will notify senior management and review the complaint with the organization's legal counsel.
3. The HR director will initiate an investigation to determine whether there is a reasonable basis for believing the alleged violation of this policy occurred.
4. If necessary, we will separate the complainant and the respondent during the investigation, either through internal transfer or administrative leave.
5. During the investigation the HR director, legal counsel and/or other management employees will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.
6. Upon conclusion of an investigation, the HR director or other person conducting the investigation will submit a written report of his or her findings to the organization. If it is determined that a violation of this policy has occurred, the HR director will recommend appropriate disciplinary action. The appropriate action will depend on the following factors:
 - The severity, frequency and pervasiveness of the conduct;
 - Prior complaints made by the complainant;
 - Prior complaints made against the respondent; and
 - The quality of the evidence (e.g., firsthand knowledge, credible corroboration).

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 HR director may recommend appropriate preventive action.

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7. Senior management will review the investigative report and any statements by the complainant or respondent, discuss results of the investigation with the HR director and other management staff as appropriate, and decide what action, if any, to take.
8. Once senior management make a final decision, the HR director will meet with the complainant and the respondent separately and notify them of the findings of the investigation. If the organization is to take disciplinary action, the respondent will be informed of the nature of the discipline and how it will be executed.

Alternative legal remedies

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

Contact Information

If you have any questions about this policy, you should ask your manager or supervisor or seek help from HR directly.