

Policy Against Harassment and Discrimination and Retaliation (version generated by TriNet and the COPD Foundation) who are committed to providing a safe and respectful work environment free from unlawful harassment, discrimination and retaliation.

We will take all reasonable steps to maintain a workplace that fosters positive working relationships. **OVERVIEW** We prohibit any form of discrimination and harassment in the workplace, including harassment based on sex or any other personal characteristic protected under federal, state or local law. We are committed to taking all reasonable steps to prevent and address such behavior. Our commitment extends to all persons involved in our operations and prohibits unlawful discrimination and harassment by and against worksite employees, interns, job applicants, contingent workers, vendors, others providing services in the workplace pursuant to a contract, clients, volunteers or visitors.

GENERAL GUIDELINES

This policy prohibits discrimination, acts of harassment and any other conduct that creates an intimidating, hostile or offensive work environment, or unreasonably interferes with work performance based on an individual's actual or perceived age, race, color, national origin, ancestry, sex, gender (including pregnancy, childbirth or medical condition related to pregnancy or childbirth), gender identity or expression, sexual orientation, religious creed, physical or mental disability, medical condition, genetic information, marital status, veteran status, military status, Civil Air Patrol status or any other characteristic protected by federal, state or local law. We will not tolerate such conduct, regardless of whether it takes place on company premises or off-site, including on the internet, at company-sponsored social events, during business travel, training sessions or conferences.

For purposes of this policy, discrimination on the basis of "national origin" also includes discrimination against an individual because that person holds or presents a state driver's license issued specifically to those who cannot document their lawful presence in the United States. A worksite employee's or job applicant's immigration status will not be considered for any employment purpose except as necessary to comply with federal, state or local law. Worksite employees who violate this policy are subject to discipline, up to and including termination. In addition to any disciplinary action your company may take, up to and including termination of employment, offenders may also be personally liable, in the event of litigation, for damages and attorney's fees and other costs of litigation.

SEXUAL HARASSMENT

We are committed to providing a work environment that is free from sexual harassment. This policy prohibits acts of harassment and any other conduct that creates an intimidating, hostile or offensive work environment, or unreasonably interferes with work performance, based on sex. Sexual harassment means sexual advances, requests for sexual favors, and/or physical, verbal

and non-verbal conduct or communication of a sexual nature that is unwanted and unwelcome by the recipient. It includes:

- Asking an individual to engage in sexual activity as a condition of his/her employment.
- Basing employment decisions on an individual's submission to or rejection of such conduct or communication.
- Intending to, creating or perpetuating a work environment that is hostile, intimidating or offensive or unreasonably interferes with an individual's work performance.

Sexual harassment may occur between individuals of the same or opposite sex. Sexual harassment can occur after a consensual relationship has changed so that behavior that was once welcomed by an individual no longer is. The definition of sexual harassment under this policy is broad and includes other conduct of a sexual nature that is unwelcome and has the effect, whether intended or not, of creating a workplace that is hostile, offensive, intimidating or humiliating. While it is not possible to list all of the circumstances that may constitute sexual harassment, the following are some examples of conduct or behavior that may constitute sexual harassment:

- Romantic or sexual advances, whether or not they involve physical touching.
- Leering, whistling or physical touching of another's body.
- Sexual gestures.
- Display of sexually suggestive objects or images.
- Sexually explicit or offensive jokes, stories, cartoons, nicknames, slurs, epithets and other communications of a sexual nature.
- Continuing to ask another individual to socialize after the individual has said no.

OTHER KINDS AND FORMS OF HARASSMENT

In addition to sexual harassment, this policy prohibits all other harassment based on age, race, color, national origin, ancestry, gender (including pregnancy, childbirth or medical condition related to pregnancy or childbirth), gender identity or expression, sexual orientation, religious creed, physical or mental disability, medical condition, genetic information, marital status, veteran status, military status, Civil Air Patrol status or any other characteristic protected by federal, state or local law. This includes behavior that has the purpose or effect of creating an intimidating, hostile or offensive work environment, or has the purpose or effect of unreasonably interfering with an individual's work performance. However, harassment may exist even if the harassed individual's productivity has not declined as a result of the harassment. Examples of Inappropriate Behavior That May Constitute Harassment Under This Policy

- Verbal. Epithets; derogatory comments, slurs or name-calling; inappropriate jokes, emails or any other form of written communication, comments, noises or remarks; repeated requests for dates, threats, propositions, unwelcome and unwanted correspondence, phone calls and gifts; or other unwelcome attention.
- Physical. Assault; impeding or blocking movement; physical interference with normal work or movement; unwanted and unwarranted physical contact, such as touching, pinching, patting, grabbing, brushing against or poking another employee's body.
- Visual. Abusive or patently offensive images (whether in photographs, posters, cartoons, drawings, paintings or other forms of imagery); displaying abusive or patently offensive images, writings or objects; ogling, staring at or directing attention to an employee's anatomy; leering; sexually oriented or suggestive gestures.
- Cyberstalking. Proscribed harassment using electronic communication, such as e-mail, instant messaging (IM) or social media, or messages posted to a website, blog or discussion group. Proscribed harassment can occur in one-on-one interactions or in group settings. It is impossible to specify every action or all words that could be interpreted as harassment. A single incident of harassing conduct may constitute harassment, and a hostile-work-environment claim will be viewed in light of all relevant circumstances.

ABUSIVE CONDUCT PREVENTION

It is expected that persons in the workplace perform their jobs productively as assigned and in a manner that meets all of management's expectations, during working times, and that they refrain from any malicious, patently offensive or abusive conduct, including but not limited to conduct that a reasonable person would find offensive based on any of the protected characteristics described above. Examples of abusive conduct include repeated infliction of verbal abuse, such as the use of malicious, derogatory remarks, insults and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating or humiliating, or the intentional sabotage or undermining of a person's work performance. Make a point of paying attention to others' reactions and stated requests and preferences, respecting their wishes, and treating them in a professional manner, regardless of any protected characteristic.

PROTECTION AGAINST RETALIATION

This policy prohibits any form of retaliation against a worksite employee or anyone else who makes a good faith complaint of discrimination or harassment or who participates in good faith in an investigation by your company or its agents, or an investigation, proceeding or hearing conducted by a state or federal agency or court. If you believe that you have experienced or witnessed retaliation, you should immediately report your concern to your manager, any other company manager or officer, or TriNet (if you are an employee). Any COPD Foundation employee or contractor who engages in retaliation will be subject to disciplinary action, up to and including termination of employment.

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