

## POLICY AGAINST HARASSMENT

The Company is committed to providing a workplace free of sexual harassment (which includes harassment based on gender, pregnancy, childbirth, or related medical condition), as well as harassment based on such factors as race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, marital status, sexual orientation, family care or medical leave status, or veteran status. The Company strongly disapproves of and will not tolerate harassment of employees by managers, supervisors, or co-workers. Similarly, the Company will not tolerate harassment of its employees by non-employees with whom the Company conducts business.

Harassment includes verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment or that interferes with work performance. Such conduct constitutes harassment when (1) submission to the conduct is made either an explicit or implicit condition of employment; (2) submission to or rejection of the conduct is used as the basis for an employment decision; or (3) the harassment interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Unlawful harassment includes, but is not limited to:

- Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations, jokes or comments;
- Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;
- Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work, which conduct is directed at you because of your sex or race or any other protected basis;
- Threats and demands to submit to sexual requests in order to keep your job or avoid some other loss, and offers of job benefits in return for sexual favors; and/or
- Retaliation for having reported or threatened to report harassment of any kind.

Sexually harassing conduct in particular includes all of these prohibited actions as well as other unwelcome conduct such as requests for sexual favors, conversations containing sexual comments, and unwelcome sexual advances.

Any incident of harassment, including work-related harassment by any Company

personnel or any other person, should be reported promptly to the employee's supervisor or manager (or to any other member of management) or to \_\_\_\_\_, who is responsible for investigating the matter. Managers who receive complaints or who observe harassing conduct should inform \_\_\_\_\_ immediately. The Company emphasizes that an employee is not required to complain first to his or her supervisor if that supervisor is the individual who is harassing the employee.

Every reported complaint of harassment will be investigated thoroughly, promptly, and in a confidential manner. In addition, the Company will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint to \_\_\_\_\_ or to any other manager.

In the case of Company employees, if harassment is established, the Company will discipline the offender. Disciplinary action for a violation of this policy can range from verbal or written warnings up to and including immediate termination, depending upon the circumstances. With regard to acts of harassment by customers or vendors, corrective action will be taken after consultation with the appropriate management personnel.

Sexual harassment and retaliation for opposing sexual harassment or participating in investigations of sexual harassment are illegal. In addition to notifying the Company about harassment or retaliation complaints, affected employees may also direct their complaints to the California Department of Fair Employment and Housing ("DFEH"), which has the authority to conduct investigations of the facts. The deadline for filing complaints with the DFEH is one year from the date of the alleged unlawful conduct. If the DFEH believes that a complaint is valid and settlement efforts fail, the DFEH may seek an administrative hearing before the California Fair Employment and Housing Commission ("FEHC") or file a lawsuit in court. Both the FEHC and the courts have the authority to award monetary and nonmonetary relief in meritorious cases. You can contact the nearest DFEH office or the FEHC at the locations listed in the Company's DFEH poster or by checking the state government listings in the local telephone directory.