

MARKLUND
HUMAN RESOURCES POLICY AND PROCEDURE

POLICY NO: 3.19

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SUBJECT: HARASSMENT & DISCRIMINATION

DEPARTMENTS AFFECTED: ALL

APPROVED BY:

ISSUED: 4-16-92 **REVISED: 1-1-19**

PURPOSE:

This policy is part of Marklund's commitment to providing a professional work environment that maintains employee equality, dignity and respect and free from discrimination or harassment.

POLICY:

Harassment, and all forms of discrimination, will not be tolerated and will subject the offender to disciplinary action up to and including discharge.

Harassment for the purpose of this policy includes harassment and any other conduct of an unwelcome nature, whether verbal, physical, or visual which has the effect of interfering with an individual's performance, or which creates an intimidating, hostile or offensive work environment. It is important to note that the offended employee is encouraged to clearly indicate that the conduct has offended him/her and such conduct was not welcome.

Conduct which is not viewed as reasonably acceptable will not be tolerated, especially when submission to such conduct is made a condition of employment or is used as a basis for employment decisions.

All workplace harassment and discrimination complaints against a co-worker, supervisor or other individual must bring the complaint to management's attention.

It is the policy of Marklund to maintain a work environment free of unlawful harassment and discrimination for all employees. Harassment and discrimination based on a person's race, creed, religion, color, age, national origin, pregnancy, gender, sexual orientation, gender transitioning status, genetic information, ancestry, marital status, military discharge status, veteran status, citizenship status, mental, physical disability, or any basis prohibited by applicable federal, state, or local fair employment laws or regulations will not be tolerated.

Harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee or group of employees and includes (but is not limited to) name-calling, letters, jokes, e-mail, cartoons, graffiti, pictures, posters, gestures, ethnic slurs, racial epithets, and other unwelcome or offensive conduct.

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964 as well as state and local laws which consists of unacceptable conduct or behavior in

violation of this policy. Sexual harassment encompasses a wide range of unwanted, sexually directed behavior, and has been defined in the following manner:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 3) such conduct has the purpose or effect of unreasonable interference with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Forms of a hostile or offensive working environment might include repeated requests for sexual favors, demeaning sexual inquiries and vulgarities, offensive language, other verbal or physical conduct of a sexual or degrading nature, sexually offensive, explicit or sexist signs, cartoons, calendars, literature or photographs displayed in plain view, and offensive and vulgar graffiti, text messages or other writings.

Harassment applies to the conduct of a supervisor toward a subordinate, an employee toward another employee (including a subordinate toward a supervisor), a non-employee toward an employee or an employee toward an applicant for employment. Harassment can apply to conduct outside the workplace as well as on the work site. Quite simply, anyone can be a harasser and anyone can be subject to harassment.

All allegations of harassment and discrimination will be investigated thoroughly. The facts will determine the response of the Marklund to each allegation. Substantiated acts of harassment will be met with appropriate disciplinary action by Marklund up to and including termination. All information regarding any specific incident will be kept confidential within the necessary boundaries of the fact-finding process. No reprisal or retaliation against the employee reporting the allegation of harassment will be tolerated.

COMPLAINT PROCEDURE:

1. Any incident of harassment or discrimination should be reported to the employee's immediate supervisor, or to his or her immediate supervisor's supervisor or to the Director of Human Resources.
2. The accused may be suspended with or without pay pending the results of an investigation conducted by the Human Resources Department and/or the person's supervisor (see attached). The investigation will be carried out by the person's supervisor and/or Director of Human Resources or by anyone who is appropriate to conduct the

investigation. During the investigation, the complainant, the accused and any witnesses to the allegations will be interviewed in order to help determine whether the alleged conduct occurred. The final determination on the complaint and any necessary actions to be taken will be determined by The Director of Human Resources and/or the President/CEO. Actions taken internally to investigate and resolve harassment and discrimination complaints shall be conducted confidentially to the extent reasonably possible. All individuals asked to participate in an investigation are expected to cooperate and to be truthful.

3. If the determination is made that no harassment or discrimination occurred, then the accused will be returned to work (if applicable) and will be paid for any days missed due to any suspension. Other action may be taken in order to help ensure a workplace free from harassment or discrimination.
4. If the determination is made that there was harassment or discrimination, then the accused will receive what is determined to be the appropriate disciplinary action up to and including discharge. Other action may be taken in order to help ensure a workplace free from harassment or discrimination.

PROTECTION AGAINST RETALIATION:

Any employee who, in good faith, reports an alleged incident of harassment or discrimination will under no circumstances be subject to reprisal or retaliation of any kind. Any employee who feels he or she has been subjected to such adverse actions should report those actions to his or her supervisor, or to the Human Resources Department. Any employee, however, who is found to have knowingly made a false accusation of harassment or discrimination may be subject to appropriate disciplinary action up to and including termination.