

FRENCH HERITAGE SOCIETY, INC.
POLICY AGAINST DISCRIMINATION AND HARASSMENT

French Heritage Society, In. (FHS) has adopted a zero-tolerance policy toward discrimination and all forms of unlawful harassment, including but not limited to sexual harassment. This zero-tolerance policy means that no form of unlawful discriminatory or harassing conduct by or towards any employee, member, volunteer, vendor, or other person in our workplace will be tolerated. FHS is committed to maintaining a workplace free from discrimination and sexual harassment and to enforcing its policy at all levels within the organization and at all locations. Any officer, director or employee who engages in prohibited discrimination or harassment will be subject to discipline, up to and including immediate discharge from employment or removal from leadership for a first offense.

Conduct Covered by this Policy:

This Policy applies to and prohibits all forms of illegal harassment and discrimination, not only sexual harassment. Such harassment and discrimination is unlawful and may subject FHS to liability. Accordingly, FHS ***absolutely prohibits*** harassment or discrimination based on sex, age, disability, perceived disability, marital status, personal appearance, sexual orientation, race, color, religion, national origin, veteran status or any other legally protected characteristic. Such harassment or discrimination is prohibited both on and off FHS premises and during or outside of work hours.

Sexual Harassment:

Because confusion often arises concerning the meaning of sexual harassment in particular, it deserves special mention. Sexual harassment may take many forms, including the following:

- Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults, and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another person's body or poking another person's body, the touching or display of one's own body, or any similar contact;
- Offensive and unwelcome sexual invitations, advances, propositions or other sexual comments, particularly when a spoken or implied *quid pro quo* for sexual favors is a benefit of employment, continued employment, evaluation, promotion or raise;
- Offensive and unwelcome conduct of a sexual nature, including: sexually-graphic spoken comments; offensive comments transmitted by e-mail or another messaging system; offensive or suggestive images or graphics (including pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic) whether physically present in the workplace or accessed over the Internet; the possession of or use of sexually suggestive objects; or sexually oriented gestures, noises,

remarks, jokes or comments about a person's sexuality or sexual experience;

- Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult to perform because of that employee's sex; and
- Sexual harassment as defined by the federal Equal Employment Opportunity Commission as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment, even if the complaining individual is not the intended target of the sexual harassment.

Sexual harassment can be physical and psychological in nature. An aggregation of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

Computer Messaging and Information Systems:

Employees are particularly cautioned that the use of e-mail, voice mail, or other electronic messaging systems, or the Internet, may give rise to liability for discrimination or harassment.

Employees may not generate, should not receive, and must not forward, any message or graphic that might be taken as offensive based on sex, gender, or other protected characteristic. This includes, for example, the generation or forwarding of offensive "humor" which contains offensive terms.

Employees receiving offensive messages over FHS' computer equipment, or receiving other unlawfully offensive messages or graphics over FHS' computer equipment, should report those messages to their supervisor. Employees are reminded that the FHS' computers and the data generated on, stored in, or transmitted to or from the FHS' computers remain the property of FHS for all purposes. FHS retains the right to monitor its computers, computer systems, and networks to ensure compliance with this requirement.

Procedures in Cases of Discrimination or Harassment:

Any FHS employee who believes that she or he has been subjected to, or believes that another employee has been subjected to, unlawful discrimination or harassment of any kind has the responsibility to report the discrimination or harassment immediately to her or his supervisor. **If the employee is uncomfortable reporting the discrimination or harassment to her or his immediate supervisor (whether because the supervisor has committed the discrimination or**

harassment, or for any other reason whatsoever), the employee must report the discrimination or harassment to the next higher level of management above the immediate supervisor or, if the employee prefers, to the General Counsel, President, or Chairman of FHS.

FHS is committed to taking all reasonable steps to prevent discrimination and harassment, and will make every reasonable effort promptly and completely to address and correct any discrimination or harassment that may occur. However, FHS cannot take prompt and effective remedial action unless each employee assumes the responsibility of reporting any incident of discrimination or harassment immediately to an appropriate supervisor.

Whenever management of FHS receives a complaint or otherwise knows of possible discrimination or harassment occurring, such discrimination or harassment will be investigated promptly and impartially, with every effort to maintain employee confidentiality. The complainant and the accused will be informed of the results of the investigation. If FHS finds that its Policy has been violated, it will take appropriate corrective and remedial action, up to and including discharge of offending officers or employees, and/or similarly appropriate action towards offending vendors, volunteers, or members.

In addition to the responsibility of reporting discrimination or harassment, each FHS employee also has the responsibility of cooperating with management during any investigation of discrimination or harassment.

Managers and supervisors

Managers and supervisors must deal expeditiously and fairly when they have any knowledge of discrimination or harassment within their departments, whether or not there has been a written or formal complaint. They must:

- Take all complaints or concerns of alleged or possible discrimination or harassment seriously no matter how minor or who is involved.
- Report all incidents to General Counsel immediately so that a prompt investigation can occur.
- Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

Managers and supervisors who knowingly allow or tolerate discrimination or harassment or retaliation, including the failure to immediately report such misconduct to General Counsel, are in violation of this Policy and subject to discipline.

General Counsel

General Counsel (acting together with the Chairman of FHS if deemed appropriate by the General Counsel or if requested by the complainant) is responsible for:

- Ensuring that both the individual filing the complaint (complainant) and the accused individual (respondent) are aware of the seriousness of a discrimination or harassment complaint.
- Explaining this discrimination and harassment Policy and investigation procedures to all parties involved.

- Exploring informal means of resolving discrimination or harassment complaints.
- Notifying the police if criminal activities are alleged.
- Arranging for an investigation of the alleged discrimination or harassment and the preparation of a written report.
- Submitting a written report summarizing the results of the investigation and making recommendations to designated FHS officials.
- Notifying the complainant and the respondent of the corrective actions to be taken, if any, and administering those actions.

General Counsel will determine if an in-house investigation will be conducted or if a third party will be contracted to complete the investigation.

Complaint Resolution Procedures

Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing. General Counsel may assist the complainant in completing a written statement or, in the event an employee refuses to provide information in writing, General Counsel will dictate the verbal complaint.

To ensure the prompt and thorough investigation of a discrimination or harassment complaint, the complainant should provide as much of the following information as is possible:

- The name, department and position of the person or persons allegedly committing discrimination or harassment.
- A description of the incident(s), including the date(s), location(s) and the presence of any witnesses.
- The effect of the incident(s) on the complainant's ability to perform his or her job, or on other terms or conditions of his or her employment.
- The names of other individuals who might have been subject to the same or similar discrimination or harassment.
- What, if any, steps the complainant has taken to try to stop the discrimination or harassment.
- Any other information the complainant believes to be relevant to the discrimination or harassment complaint.

Confidentiality

All complaints and investigations are treated confidentially to the extent possible and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation and General Counsel shall take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a discrimination or sexual harassment complaint or investigation is maintained in secure files of FHS.

Other Available Procedures

The procedures available under this Policy do not preempt or supersede any legal procedures or remedies otherwise available to a victim of discrimination or sexual

harassment under local (including the Stop Sexual Harassment in New York City Act), state (including the New York Human Rights Law) or federal law (including the Civil Rights Act of 1964).

Reporting Without Fear of Retaliation:

No FHS employee will be retaliated against for reporting discrimination or harassment. This no-retaliation policy applies whether a good faith complaint of discrimination or harassment is well founded or ultimately determined to be unfounded. Note, however, that this no-retaliation policy is not intended to protect persons making false charges of discrimination or harassment.

No FHS officer, director or supervisor is authorized, or permitted, to retaliate or to take any adverse employment action whatsoever against anyone for reporting unlawful discrimination or harassment, or for opposing any other discriminatory practice in the workplace.

Approved by the Executive Committee of FHS and effective as of September 10, 2018