

Article VI – NVAR Bylaws

Section 8. Harassment

Any member of the Association may be reprimanded, placed on probation, suspended, or expelled for harassment of an Association employee or Association Officer or Director after a hearing in accordance with the established procedures of the Association. The decision of the appropriate disciplinary action to be taken shall be made by the review tribunal comprised of the Chairman of the Board, Chairman of the Board-Elect and Secretary-Treasurer and one member of the Board of Directors selected by the highest ranking officer not named in the complaint, upon consultation with counsel for the Association. If the complaint names the Chairman of the Board, Chairman of the Board-Elect, or Secretary-Treasurer, they may not participate in the proceedings and shall be replaced by the Immediate Past Chairman of the Board or, alternatively, by another member of the Board of Directors selected by the highest ranking officer not named in the complaint. Disciplinary action may also consist of any sanction authorized in the Association's Code of Ethics and Arbitration Manual. As used in this Section, harassment means any verbal or physical conduct including threatening or obscene language, unwelcome sexual advances, stalking, actions including strikes, shoves, kicks, or other similar physical contact, or threats to do the same, or any other conduct with the purpose or effect of unreasonably interfering with an individual's work performance by creating a hostile, intimidating or offensive work environment.

NVAR Employee Handbook

701 Employee Conduct and Work Rules

To ensure orderly operations and provide the best possible work environment, NVAR expects employees to follow rules of conduct that will protect the interests and safety of all employees and the Association. Employment with NVAR is at the mutual consent of NVAR and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or possession of property
- Falsification of any Association documents or records including but not limited to timekeeping records
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of employer-owned or customer-owned property

- Insubordination or other disrespectful conduct
- Violation of safety, security or health rules
- Unlawful harassment including but not limited to sexual harassment (emphasis added)
- Possession of dangerous or unauthorized materials, such as explosives or weapons, in the workplace
- Excessive absenteeism or any absence without notice
- Unauthorized disclosure of business trade secrets or confidential information
- Violation of personnel policies
- Unsatisfactory performance or conduct

705 Sexual and Other Unlawful Harassment

NVAR is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, disability, sexual orientation, or any other legally protected characteristic will not be tolerated. NVAR provides ongoing sexual harassment training to ensure employees the opportunity to work in an environment free of sexual and other unlawful harassment.

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes. • Verbal sexual advances or propositions.
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- Physical conduct that includes touching, assaulting, or impeding or blocking movements.

Unwelcome sexual advances (either verbal or physical), 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 employment; (2) submission or rejection of the conduct is used as a basis for making employment decisions; or, (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

If an employee experiences or witnesses sexual or other unlawful harassment in the workplace, they are to report it immediately to their supervisor. If the supervisor is unavailable or the

employee believes it would be inappropriate to contact that person, the employee should immediately contact the Human Resources Department or any other member of management. Employees can raise concerns and make reports without fear of reprisal or retaliation. All allegations of sexual or other unlawful harassment will be quickly and discreetly investigated. To the extent possible, employee confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure.

When the investigation is completed, the employee will be informed of the outcome of the investigation. Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must immediately advise the Human Resources Department or any member of management so it can be investigated in a timely and confidential manner. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

708 Problem Resolution

At NVAR, everyone has a responsibility to raise concerns that affect NVAR, employees, or our members. If an employee witnesses conduct that violates any of our policies, constitutes harassment of any other person, or that the employee considers unethical or illegal, please promptly report the concerns to a supervisor or to Human Resources. Employee concerns will be kept confidential when possible. NVAR prohibits any retaliation associated with an employee having raised a concern described herein. Therefore, if an employee believes that they have been retaliated against in any way, they should bring that concern to Human Resources as well.