



Anti-Discrimination and Non-Harassment

The Firm is committed to maintaining a workplace free from harassment and discrimination. All employees are required to work in a manner that prevents harassment and discrimination in the workplace. Harassment and discrimination based upon an employee's membership in a legally protected class, including, but not limited to, harassment based on: age, race, creed, color, religion, national origin, sexual orientation, actual or perceived gender identity, sex, physical or mental disability, predisposing genetic characteristics, military status, uniform service member status, veteran status, actual or perceived victims of domestic violence, sex offenses or stalking, marital status, unemployment status or pregnancy ("Protected Category") are against Firm policy and unlawful under state, federal and (where applicable) local law. The Firm's policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, with the Firm. Harassment of third parties by our employees, based on the third parties' membership in a Protected Category, is also prohibited.

Employees who engage in harassment or discrimination, including managers and supervisors who allow such behavior to continue, will be subject to discipline, up to and including termination. Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

While it is not easy to define precisely what harassment is, it includes conduct such as slurs, epithets, threats, derogatory comments or visual depictions, unwelcome jokes and teasing, when such conduct is based on an individual's membership in a Protected Category.

What Is "Sexual Harassment"?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

For purposes of this policy, sexual harassment is defined as (a) any differential treatment because of an employee's gender and (b) unwelcome sexual advances, requests for sexual favors and other verbal, non-verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment by a supervisory employee or partner; (ii) submission to or rejection of such conduct is used by a supervisory employee or partner as the basis for decisions that affect an individual's employment opportunities in a tangible way; or (iii) such conduct is unwelcome and severe or pervasive enough to create an intimidating, hostile or offensive work environment for a reasonable individual or rises above the level of a petty slight or trivial inconvenience that has the purpose or effect of unreasonably interfering with an individual's work performance, even if the reporting individual is not the intended target of the sexual harassment. Sexual harassment that occurs when a person in authority tries to trade job benefits for sexual favors is called "quid pro quo" harassment.

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;

- Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which are of a sexual nature or which are directed at an individual because of that individual's sex, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Who can be a target of harassment or discrimination?

Harassment and discrimination can occur between any individuals, regardless of their sex, gender, or Protected Status. The law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can harassment or discrimination occur?

Unlawful harassment and discrimination are not limited to the physical workplace itself. Harassment and discrimination can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.



Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a harassment or discrimination claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law, which protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- made a complaint of harassment or discrimination, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving harassment or discrimination under any anti-discrimination law;
- opposed harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment or discrimination;
- reported that another employee has been harassed or discriminated against; or
- encouraged a fellow employee to report harassment or discrimination.

The reporting employee and any employee participating in any investigation under this policy have the Firm’s assurance that the Firm will not retaliate against the employee making a complaint in good faith under this policy, or any employee who participates in good faith in the investigation of a complaint under this policy. Any person who retaliates against another individual for reporting any perceived acts of discrimination or harassment will be subject to disciplinary action up to and including termination. However, any employee, supervisor or agent of the Firm found to have made a false accusation in bad faith may be subject to disciplinary action, up to and including termination.

Reporting Harassment or Discrimination

Any employee, paid or unpaid intern or non-employee who feels that (s)he is a victim of harassment or discrimination, has witnessed harassment or discrimination, or has been subject to retaliation must report the act immediately to the Representatives of the Firm’s Anti-Discrimination and Anti-Harassment Committee.

Reports of harassment or discrimination may be made verbally or in writing. A form for submission of a written complaint is attached to this policy as Appendix A, and all employees are encouraged to use this complaint form. Employees who are reporting harassment or discrimination on behalf of other employees should use the complaint form and note that it is on another employee’s behalf.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected harassment or discrimination, observe what may be harassing or discriminatory behavior or for any reason suspect that harassment or discrimination is occurring **are required** to report such suspected harassment or discrimination to the Representatives of the Anti-Discrimination and Anti-Harassment Committee.



In addition to being subject to discipline if engaged in harassing or discriminatory conduct, supervisors and managers will be subject to discipline for failing to report suspected harassment or discrimination or otherwise knowingly allowing harassment or discrimination to continue.

Complaint and Investigation of Harassment or Discrimination

All complaints or information about harassment or discrimination will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information or knowledge of suspected harassment or discrimination will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation. Any employee may be required to cooperate as needed in an investigation of suspected harassment or discrimination.

While the process may vary from case to case, the Firm or Firm designee will generally conduct the investigation in accordance with the following steps:

- The Firm will conduct an immediate review of the allegations and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate.
- If documents, emails or phone records are relevant to the investigation, the Firm will take steps to obtain and preserve them.
- The Firm will request and review all relevant documents, including all electronic communications.
- The Firm will interview all parties involved, including any relevant witnesses.
- The Firm will create a written report of the investigation in compliance with the law that will be maintained with associated documents in a secure and confidential location.
- The individual who reported and the individual(s) about whom the complaint was made will be promptly notified of the final determination of the investigation, and, if appropriate, disciplinary or corrective action will be taken.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his/her behavior is unwelcome and requesting that it be discontinued.

Legal Protections and External Remedies

Harassment and discrimination are not only prohibited by the Firm, but are also prohibited by state, federal, and (where applicable) local law.

Aside from the internal process at the Firm, employees may also choose to pursue legal remedies under each of the applicable laws as identified below. While a private attorney is not required to file a complaint, employees may seek the legal advice of an attorney. In addition to those outlined below, employees in certain industries may have additional legal protections.



State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to harassment and discrimination, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment or discrimination. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged harassment or discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Firm does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment or discrimination.

DHR will investigate your complaint and determine whether there is probable cause to believe that harassment or discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If harassment or discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment or discrimination, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit www.dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment or discrimination. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.



If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

NYC Human Rights Law

The New York City Human Rights Law (“NYCHRL”) prohibits discrimination in New York City. Employees who work in New York City may file complaints of harassment or discrimination with the New York City Commission on Human Rights. Complaints with the New York City Commission on Human Rights must be filed within one year, with the exception of sexual harassment complaints, which must be filed within three years. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

New Jersey Law Against Discrimination

The New Jersey Law Against Discrimination (NJLAD), codified as N.J.S.A. § 10:5-12 et seq., applies to all employers in New Jersey with regard to harassment and discrimination, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the NJLAD may be filed either with the Division on Civil Rights (DCR) or in New Jersey Superior Court.

Complaints with DCR may be filed any time within 180 days of the harassment or discrimination. If an individual did not file at DCR, they can sue directly in state court within two years of the alleged harassment or discrimination. A person may initiate an action in Superior Court without first filing a complaint with DCR. However, filing a complaint in Superior Court bars the filing of a simultaneous complaint with DCR because a person may not process a complaint of discrimination simultaneously before DCR and in Superior Court.

Complaining internally to the Firm does not extend your time to file with DCR or in court. The 180 days and two years are counted from date of the most recent incident of harassment or discrimination.

DCR will investigate your complaint and determine whether there is probable cause to believe that harassment or discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If harassment or discrimination is found after a hearing, DCR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment or discrimination, or redress the damage caused, including paying of monetary damages, attorney’s fees and civil fines.

Visit <https://www.nj.gov/oag/dcr/filing.html#verified> for more information about filing a complaint. The website contains contact information for DCR’s regional offices across New Jersey where complaints can be filed.