



DRAKE ANTI- HARASSMENT POLICY AND PROCEDURE

Corporate Human Resources Management

Effective: November 1st, 2020

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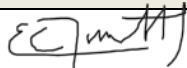
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1. OVERVIEW

Objective

The purpose of this policy is to prevent, prohibit and eliminate harassment in the workplace by supervisors, managers, co-workers, contractors, vendors, and any other individual with whom Drake personnel come into contact by their work, and to take all necessary steps to avoid harm to an employee who is subjected to unwelcome conduct based on any of the protected classes, including sexual harassment.

Scope

This policy applies to all employees of Drake and affiliates, including managers, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, etc.

Compliance

This Policy complies with all federal, state, and local laws.

Responsibilities

- The Corporate Human Resources Manager.
 - The official responsible, or their designee, for receiving allegations of harassment and ensuring an inquiry is initiated consistent with the procedures of this policy.
 - Receiving and tracking complaints of harassment, notifying employees in writing that the harassment complaint has been received and will be addressed, coordinating for the initiation of harassment inquiries, and advising Drake management concerning interim relief.
 - Providing advice to managers, supervisors, and other employees involved in the harassment inquiry regarding implementation and interpretation of this policy, including the proper procedures for carrying out harassment inquiries and preparing reports, and the circumstances in which interim relief is required to insulate the alleged victim of harassment from potential misconduct or retaliation while a harassment inquiry is pending.
 - Providing advice and guidance to managers and supervisors regarding immediate and appropriate corrective action, including discipline, for conduct found to violate this policy. Notifying management of the need to take appropriate action when harassing, hostile, or abusive conduct is reported and when it is found to violate the Agency's policies.
 - Seek legal advice, as necessary, to obtain legal support related to this policy and procedures, inquiries, and reports of harassment, interim measures, or corrective actions.
 - Establishing a secure system for maintaining records regarding harassment inquiries, reports, findings, actions taken, and any other pertinent documents or information prepared or obtained under this policy.

- Managers and Supervisors:
 - Complying with the requirements of Drake's anti-harassment policy, maintaining a work environment free of harassment, encouraging employees to report such conduct, preventing retaliation against any employee who complains of harassment or is involved in any harassment inquiry, and participating in anti-harassment training.
 - Acting promptly to prevent and correct alleged harassment, or hostile or abusive conduct when it is observed or reported, to include implementing interim remedies while an inquiry into harassment allegations is pending and implementing appropriate actions after the inquiry has concluded.
 - Promptly notifying the HR Corporate Manager, or their designee, of allegations of harassment, or hostile or abusive conduct.
 - Understanding and maintaining confidentiality consistent with this policy.
 - Taking prompt and appropriate corrective action, to include discipline, if warranted, against employees who have engaged in harassment, or hostile or abusive conduct, or who have failed to carry out their responsibilities under this policy.

- Employees:
 - Refraining from any form of harassment in the work environment that could interfere with another person's rights and/or ability to perform his or her job.
 - Participating in anti-harassment training.
 - Becoming familiar with the requirements of this policy and complying with them.
 - Promptly reporting alleged harassment, or hostile or abusive conduct.
 - Timely and fully cooperating with all phases of any harassment inquiry.

Effective Date

The provisions of this policy are effective beginning Nov 1st, 2020, and shall remain in effect until modified or replaced

Definitions

- Harassment is unwelcome verbal or physical conduct that demeans or shows hostility toward another person based on race, color, religion, sex (including pregnancy, sexual stereotyping, gender identity or sexual orientation), national origin, age, disability, retaliation, or genetic information, marital status, parental status, or political affiliation. Such conduct may be found unlawful where: (1) an employee's acceptance or rejection of such conduct results in a tangible employment action that adversely affects the person's employment status; or (2) the conduct is sufficiently severe or pervasive to alter the terms, conditions, or privileges of employment, or otherwise create an objectively and subjectively hostile or abusive work environment.

- Types of Harassment
 - Sexual Harassment: includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably

interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

- Nonsexual Harassment: is unwelcome verbal or physical conduct that denigrates or shows hostility or aversion toward a person based on a protected characteristic (i.e., race; color; religion; sex, pregnancy, sexual stereotyping, gender identity or sexual orientation; national origin; age; disability; retaliation; or genetic information).
- Hostile or Abusive Conduct is unwelcome or offensive verbal or physical conduct based on a protected characteristic under the law or Drake policy that does not reach the level of actionable harm. The meaning of hostile or abusive conduct is broader than unlawful harassment and includes actions of a sexual or nonsexual nature that may not rise to the level of illegality, but constitute improper workplace behavior.

Equal Employment Opportunity (EEO)/Unlawful Harassment

Drake is dedicated to the principles of equal employment opportunity. Drake prohibits unlawful discrimination against applicants or employees based on age (40 and over), race, sex, sexual orientation, color, religion, national origin, disability, military status, genetic information (including results of genetic testing), or any other status protected by state or local law.

Prohibited behavior includes but is not limited to the following:

- Physical conduct such as assault or blocking an individual's movements.
- Disseminating material from the internet or other sources as written form such as cartoons, e-mail, posters, drawings, or photographs a reasonable person, as defined by the EEOC, would find offensive".
- Engaging in an offensive or demeaning bantering, teasing, jokes, questions, gestures, innuendos, epithets, derogatory comments, slurs, negative stereotyping, or other abusive or demeaning verbal behavior or physical conduct.
- Offensive remarks or behavior about a person's disability.
- Hostile, abusive conduct, and offensive verbal or physical conduct based on a protected characteristic under the law or Drake policy that does not reach the level of actionable harm.

ADA and Religious Accommodation.

The Company will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship to the Company or cause a direct threat to health or safety. The Company will make reasonable accommodation for employees whose work requirements interfere with a religious belief unless doing so poses an undue hardship on the company. Employees needing such accommodation are instructed to contact their supervisor or the HR department immediately.

Sexual Harassment

Because sexual harassment raises issues that are to an extent unique in comparison to other harassment, the Company believes it warrants separate emphasis.

Drake strongly opposes sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment.
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment.
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

All employees are expected to conduct themselves professionally and business-like manner at all times. Inappropriate sexual conduct that could lead to a claim of sexual harassment is expressly prohibited by this policy.

Prohibited behavior includes but is not limited to the following:

- Written form, such as cartoons, posters, calendars, notes, letters, or e-mail.
- Verbal form, such as comments, jokes, the foul or obscene language of a sexual nature, gossiping, or questions about another's sex life or repeated unwanted requests for dates.
- Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body.
- Physical assault, unnecessary touching, patting, hugging, or brushing against a person's body, or another inappropriate touching of a person's body.
- Requesting sexual favors in exchange for benefits, such as favorable evaluations, promotions, continued employment, or favorable assignments.
- Making sexually explicit statements, comments, questions, jokes, innuendos, anecdotes, or gestures.
- Disseminating material of a sexual nature through the use of electronic mail or other systems; or
- Displaying sexually suggestive objects, pictures, magazines, cartoons, or screen savers.

Consensual Romantic or Sexual Relationships

Drake strongly discourages romantic or sexual relationships between a manager or other supervisory employee and an employee who reports directly or indirectly to that person, because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. Besides, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff employee. Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others, or at a later date by the staff member, as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion, or exploitation undermines the spirit of trust and mutual respect

that is essential to a healthy work environment. If there is such a relationship, the parties need to be aware that one or both may be moved to a different department or other actions may be taken.

If any employee of Drake enters into a consensual relationship that is romantic or sexual with an employee who reports directly or indirectly to that employee, or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify the HR Department or other appropriate corporate officer. Because of potential issues regarding quid pro quo harassment, Drake has made reporting mandatory. This requirement does not apply to employees who do not work in the same department or to parties where neither one supervises or otherwise manages responsibilities over the other.

Once the relationship is made known to Drake, the company will review the situation with Human Resources department in light of all the facts (reporting relationship between the parties, effect on co-workers, job titles of the parties, etc.) and will determine whether one or both parties need to be moved to another job or department. If it is determined that one party must be moved, and there are jobs in other departments available for both, the parties may decide who will be the one to apply for a new position. If the parties cannot amicably come to a decision, or the party is not chosen for the position to which he or she applied, the HR Corporate Manager and senior management will decide which party will be moved. That decision will be based on which move will be least disruptive to the organization as a whole. If no other jobs are available for either party, the parties will be given the option of terminating their relationship or resigning.

Retaliation

The Company prohibits retaliation against an employee for filing a complaint or for assisting in the investigation of a complaint. If you experience retaliation for filing a complaint or participating in an investigation, follow the complaint procedure outlined below. The situation will be promptly investigated.

Corrective Action

If Drake determines that an employee's behavior violates this policy, appropriate disciplinary action will be taken against the offending employee, up to and including termination of employment.

Complaint Procedure

If any employee believes there has been a violation of the EEO policy or harassment based on the protected classes outlined above, including sexual harassment, the employee can use the following procedures. Drake expects that if any of its employees file a timely complaint this will allow us to promptly investigate and correct any behavior that may violate this policy.

The company will treat all aspects of the procedure confidentially to the extent reasonably possible.

- **Report the incident:** Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing. The employee who is the object of the harassment must report the incident to his immediate supervisor, and/or to the Manager of the area where the employee belongs. The employee has 180 days after the last harassment incident to report their case.

The complaint will be kept as confidential as possible. If the employee feels that cannot go to any of these people with his or her complaint, she or he should report the incident



to the Human Resources department by calling 480-582-8002, 480-292-6431 or emailing antiharassment@drakeus.com

- Investigation: Upon receiving a complaint or being advised by a supervisor or manager that a violation of this policy may be occurring, the Corporate Human Resources Manager will notify senior management and review the complaint with the company's legal counsel.
 - The Corporate Human Resources Manager will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
 - If necessary, the complainant and the respondent will be separated during the investigation, either through internal transfer or administrative leave.
 - During the investigation, the Corporate Human Resources Manager, together with legal counsel or other management employees, will interview the complainant, the respondent, and any witnesses to determine whether the alleged conduct occurred.

- Reaching a Determination: Upon conclusion of an investigation, the Corporate Human Resources Manager or other person conducting the investigation will submit a written report of his or her findings to the company. If it is determined that a violation of this policy has occurred, the Corporate Human Resources Manager will recommend appropriate disciplinary action. The appropriate action will depend on the following factors:
 - a) the severity, frequency, and pervasiveness of the conduct.
 - b) prior complaints made by the complainant.
 - c) prior complaints made against the respondent; and
 - d) the quality of the evidence (e.g., firsthand knowledge, credible corroboration).

If the investigation is inconclusive or if it is determined that there has been no violation of policy, but potentially problematic conduct may have occurred, the Corporate Human Resources Manager may recommend appropriate preventive action.

- Disciplinary actions: Senior management will review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with the Corporate Human Resources Manager and other management staff as appropriate, and decide what action, if any, will be taken.
 - Once a final decision is made by senior management, the HR Corporate Manager will meet with the complainant and the respondent separately and notify them of the findings of the investigation. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

- Corrective actions to stop harassment and ensure it does not happen again:
 1. The first event (Verbal): Written warning
 2. The second event (Written): Suspension with no pay or demotion
 3. Third event (Final): Terminate

Additionally, the Supervisor and/or the Area Manager must provide training (based on Drake's training program) or counseling of the harasser to ensure that s/he understands why his or her conduct violated the employer's anti-harassment policy; and monitoring of harasser to ensure that harassment stops.

Actions to correct the Effects of the Harassment: If apply.

1. Restoration of leave taken because of the harassment.
2. Expungement of negative evaluation(s) in the employee's personnel file that arose from the harassment.
3. Reinstatement.
4. Apology by the harasser.
5. Monitoring treatment of employee to ensure that s/he is not subjected to retaliation by the harasser or others in the workplace because of the complaint; and
6. Correction of any other harm caused by the harassment (e.g., compensation for losses).

Alternative legal remedies

Nothing in this policy may prevent the complainant or the respondent from pursuing formal legal remedies or resolution through local, state, or federal agencies or the courts.

Acknowledgment

I acknowledge that I have read, understand, and agree to abide by the provisions of this Harassment Policy dated _____. Failure to comply will result in disciplinary action.

Employee Signature

Witness

Employee Print Name

Date

Date

This prohibition includes unlawful harassment based on any of these protected classes. Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. This policy applies to all employees, including managers, supervisors, co-workers, and non-employees such as customers, clients, vendors, consultants, etc.