



## WORKPLACE CONDUCT POLICY

Metris Arts Consulting (“Metris”) strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of Metris should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Employees should be able to work in a safe, yet stimulating atmosphere. For that reason, Metris will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy, Metris will seek to prevent, correct and discipline behavior that violates this policy.

All employees, regardless of their positions, are covered by and are expected to comply with this Policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension or termination of employment.

### **Prohibited Conduct Under This Policy**

Metris intends to comply with all applicable federal, state and local anti-discrimination and harassment laws and regulations. The following definitions and guidelines are applicable to assure compliance as well as to foster the goals set forth above.

### **Discrimination**

It is a violation of Metris’ policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person’s race, color, national origin, age, sex (including pregnancy and gender identity), parental / disability / marital status, religion, gender, sexual orientation, genetic information or political affiliation or belief. This prohibition is not intended to restrict management discretion; where there is no clear evidence that a management decision is a product of prohibited conduct.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

## **Harassment**

Metris prohibits harassment, including sexual harassment, of any kind, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker or any person working for or on behalf of Metris. In addition, verbal taunting (including racial and ethnic slurs) that, in the employee's opinion, impairs his or her ability to perform his or her job is included in the definition of harassment. The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.

## **Sexual harassment**

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under this workplace policy. According to the Equal Employment Opportunity Commission (EEOC), 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 or rejection of such conduct is used as the basis for employment decisions . . . or such conduct has the purpose or effect of . . . creating an intimidating, hostile or offensive working environment.

There are two types of sexual harassment:

- "Quid pro quo" harassment, where submission to harassment is used as the basis for employment decisions. Employee benefits such as raises, promotions and better working hours are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Examples: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.
- "Hostile work environment," where the harassment creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment, whether it is supervisors, other employees or customers. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials or even unwelcome physical contact as a regular part of the work environment. Texts, e-mails, cartoons or posters of a sexual nature; vulgar or lewd comments or jokes; or unwanted touching or fondling all fall into this category.

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Is made explicitly or implicitly a term or condition of employment.
- Is used as a basis for an employment decision.
- Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Conduct violating Metris' workplace policy may be the product of social media; so that employees, whether during or outside of work hours must not engage in the following conduct:

- Virtual – harassment through a social media site, for example, “friending” a co-worker on Facebook and then sending offensive messages (or repeated requests for a date).
- Textual – harassing, intimidating, or inappropriate text messages.
- Sexting – sexually explicit or offensive photos or videos sent via electronic media.
- Cyberstalking – harassing an employee by following him/her on blogs.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or “kidding” that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, photos, text messages, tweets and Internet postings; or other form of communication that is sexual in nature and offensive.
- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing and fondling and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, noncoercive interactions between employees, including men and women, that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

## **Retaliation**

No hardship, loss, benefit or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.

- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy. Any person who is found to have violated this aspect of the policy will be subject to sanctions up to and including termination of employment.

## **Complaint Process**

Metris will courteously treat any person who invokes this complaint procedure, and Metris will handle all complaints swiftly and confidentially to the extent possible in light of the need to take appropriate corrective action. Lodging a complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. Because of the damaging nature of harassment to the victims and to the entire workforce, aggrieved employees are strongly urged to use this procedure. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

## **Complaint procedure**

Metris has established the following procedure for lodging a complaint of harassment, discrimination or retaliation. The company will treat all aspects of the procedure confidentially to the extent reasonably possible.

1. An individual who feels harassed, discriminated or retaliated against may initiate the complaint process by filing a complaint in writing with Anne Gadwa Nicodemus, President and CEO of Metris. No formal action will be taken against any person under this policy unless Metris has received a written and signed complaint containing sufficient details to determine if the policy may have been violated. There is no specific form, so that a written notification signed and dated shall be sufficient. If a supervisor becomes aware that harassment or discrimination is occurring, either from personal observation or as a result of an employee's coming forward, the supervisor or manager should immediately report it to the President of Metris.
2. Upon receiving a complaint or being advised by a supervisor that violation of this policy may be occurring, the President will review the complaint, and consult with the Company's legal counsel, if necessary.
3. The President will notify the person(s) charged [hereafter referred to as "respondent(s)"] of a complaint and initiate the investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
4. During the investigation, the President of Metris will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.
5. If it is determined that harassment or discrimination in violation of this policy has occurred, Metris 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., first-hand knowledge, credible corroboration).

6. 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 President may recommend appropriate preventive action.
7. The President will meet with the complainant and the respondent separately, notify them of the findings of the investigation, and inform them of the action being taken. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.
8. In the event the Complaint is directed at the President of Metris, then the Complaint may be presented to the Office Coordinator who will follow the procedure above in place of the President and under direction of Metris' legal counsel.

### **Confidentiality**

During the complaint process, the confidentiality of the information received, the privacy of the individuals involved and the wishes of the complaining person will be protected to as great a degree as is legally possible. The expressed wishes of the complaining person for confidentiality will be considered in the context of Metris' legal obligation to act on the charge and the right of the charged party to obtain information. In most cases, however, confidentiality will be strictly maintained by Metris and those involved in the investigation. In addition, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential to the extent possible and according to any existing state or federal law.

### **Third-Party Representation**

Attorneys or third parties are not permitted to serve as advocates on behalf of employees, nor to appear on behalf of employees or former employees or submit letters directly to Metris on behalf of current or former employees in the complaint process. Attorneys or other such representatives are directed to contact the Company's legal counsel.

### **General Conditions of Employment**

Your compliance with this Policy is a condition of employment and incorporated as part of the General Conditions of Employment previously provided to you. You acknowledge that your employment engagement remains an "at will" employment as set forth in those Conditions, and this Policy does not alter this aspect of your employment with Metris.