

COLORADO CANYONS ASSOCIATION
DISCRIMINATION AND HARASSMENT PROHIBITION POLICY

The purpose of this discrimination and harassment prohibition policy is for Colorado Canyons Association (“CCA” or “employer”) to enhance compliance with Equal Employment Opportunity (“EEO”) laws, sexual harassment and discrimination laws. This policy shall supersede all prior EEO, discrimination and harassment policies which may have been adopted by CCA.

1. General Guidelines.

In accordance with EEO and sexual harassment and discrimination laws, CCA is committed to providing equal employment opportunities to all employees and applicants for employment and prohibits discrimination and harassment of any type without regard to race, color, religion, age, sex, national origin, disability status, age, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state or local laws.

This policy applies to all terms and conditions of employment, including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation and training.

2. Definitions.

- a) **“Age”** as used above refers to the age group 40 and above as specified by the Age Discrimination in Employment Act.
- b) **“Sex”, “Gender” and “Sexual Orientation.”** Sex and Gender discrimination includes unlawful discrimination on the basis of sex, gender, pregnancy, and sexual orientation. Colorado law defines “sexual orientation” as “a person’s orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or an employer’s perception thereof.”
- c) **“Sexual Harassment”** occurs when an employee is subjected to **unwelcome conduct based on sex or gender that is severe or pervasive** and: (1) which conduct is either an explicit or implicit condition of an individual’s employment; (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual, e.g. salary increases; (3) or 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. Unprofessional conduct may rise to the level of sexual harassment if it is unwelcome, based on sex, and severe or pervasive. Unprofessional conduct includes, but is not limited to, unwelcome sexual advances or propositioning, jokes of a sexual nature, unwelcome sexual comments about someone’s clothing or appearance, intimate stories about

one's sex life, sexually explicit photographs or drawings, unwelcome touching of a sexual nature, and adverse treatment based on gender. Unprofessional conduct may result in discipline or termination regardless whether it rises to the level of unlawful sexual harassment.

- d) **“Harassment”** on the basis of any protected status listed above is unlawful where it is unwelcome, severe or pervasive, and unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment. Slurs, derogatory statements or demeaning treatment, jokes and stereotyping based on protected status are unprofessional and may result in discipline or termination regardless whether they rise to the level of unlawful harassment.
- e) **“Disability”** includes physical and mental disabilities that substantially limit one or more major life activity. Disabled individuals must be otherwise qualified for the job and able to perform essential job functions with or without reasonable accommodations. Employer has a legal obligation to reasonably accommodate disabled employees who are otherwise qualified to perform the essential job functions, so long as the accommodation does not create an undue burden on CCA. Requests for reasonable accommodation must be directed to the Executive Director.

3. **Implementation of Equal Employment Opportunity Policy.**

Equal Employment Opportunity. There shall be no unlawful discrimination or harassment against employees or applicants for employment because of race or color, religion or creed, sex or gender, sexual orientation, national origin or ancestry, age, physical or mental disability, genetic information, or military status. Equal employment opportunity, as required by law, shall apply to all personnel actions including, but not limited to recruitment, hiring, upgrading, promotion, demotion, layoff, or termination.

Non-Employees. Employees shall not in the course or scope of their employment, discriminate against, harass or engage in unprofessional conduct toward non-employees based on the non-employee's protected status (listed in the previous paragraph). Employer will investigate and take appropriate action against employees who violate this provision.

To implement these policies, Colorado Canyons Association will continue to:

- a) Recruit, hire, train, and promote persons in all job classifications without regard to race, color, religion, sex, national origin, age, sexual orientation, gender variance otherwise qualified handicap or disability, or veteran status. CCA does not discriminate on the basis of national origin or citizenship status as provided under the Immigration Reform and Control Act of 1986.
- b) Ensure that all personnel actions (including, without limitation, compensation, benefits, transfers, layoffs, returns from layoffs, CCA-sponsored training, education, social and recreational programs) are administered without regard to race, color, religion, sex, national origin, age, sexual orientation, or otherwise qualified handicap or disability, or veteran status.

The Executive Director is responsible for implementing CCA's EEO policy. In addition, any employee also has the right to appeal to the Executive Committee ("EC") of CCA's Board of Directors. In unique circumstances, the employee may also report to the Chairperson of CCA's Board of Directors.

4. Implementation of Sexual Harassment Policy.

Treat Unwelcome Conduct as Unwelcome. Conduct that is "welcome" by you is not legally considered "harassment." Therefore, it is important that if you find someone's conduct sexually harassing, or harassing on another protected basis, that you do not encourage that person to continue. Telling the person that you are offended and to "stop it," may be enough to correct the situation. But if such a request is insufficient, you should report the conduct. Conduct should be reported immediately, if (1) the conduct is severe; (2) you are concerned about retaliation by the offender; or (3) it is conducted by your supervisor/director.

5. Reporting Discrimination or Harassment.

Any employee who is subjected to or who observes conduct that the employee honestly believes is in violation of this policy should report it to the Executive Director or Chair of the Board of Directors. This includes conduct by co-workers, supervisor/directors, management, officers or directors, agents, clients, suppliers or others encountered during the course and scope of your employment.

Any employee who believes he or she is being subjected to unlawful sexual harassment or discrimination should lodge a complaint promptly to any member of CCA's EC who will investigate the matter and take appropriate action. If an employee believes it would be inappropriate to discuss the matter with a member of the EC, the employee may report it directly to the Chair of the Board who will undertake an investigation. The complaint will be kept confidential to the maximum extent possible.

6. Discipline/Termination.

An employee engaging in any unlawful discrimination or harassment against another employee or non-employee, as set forth above, shall be subject to disciplinary action that may include termination, demotion, or suspension, or whatever disciplinary action employer deems appropriate under the circumstances. Employees may be disciplined or terminated for unprofessional conduct in violation of this policy, even if the conduct is not so severe or pervasive that it is unlawful conduct. Any employee who is dishonest in reporting information that another person is engaging in conduct that violates this policy is similarly subject to discipline or termination.

7. Cooperation/No Retaliation.

Employees must cooperate fully during an investigation and must provide the investigator with honest and complete responses. No employee will be retaliated against for

making a good-faith report of conduct that the employee honestly and reasonably believes is in violation of this policy or the law.

8. Statutory Rights.

The provisions of this policy regarding the employer's responsibilities and duties as an equal opportunity employer are intended to comply with Federal and State laws applicable to employer and do not create contractual rights or in any way expand the applicable statute of limitations under the civil rights laws for pursuing claims of unlawful discrimination or harassment with the appropriate Federal or State agencies the Equal Employment Opportunity Commission (EEOC), and the Colorado Civil Rights Commission (CCRC).

ADOPTED on the date set forth below by the Board of Directors of Colorado Canyons Association

By: /Karen Webster/ _____ Date: February _10_, 2020
Secretary