**Anti-Harassment Policy and Complaint Procedure**

**Objective**

5th Line Movement and Fitness (hereafter referred to as 5th Line) strives to create and maintain an environment in which people are treated with dignity, decency and respect. The environment of the company should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. 5th Line will not tolerate unlawful harassment of any kind.

The objective of this policy is to define harassment, sexual and otherwise, and to outline procedures for filing complaints, investigating sexual harassment claims and issuing appropriate disciplinary measures in the case of violations. Through enforcement of this policy and by education of its independent contractors, 5th Line will seek to prevent, correct and discipline behavior that violates this policy.

**Scope**

All instructors, regardless of their positions, whether on or off 5th Line’s premisis, and during or outside work hours, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Harassment of any kind may be either an instructor toward a client, or a client toward an instructor. Appropriate disciplinary action will be taken against any instructor who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment. Every 5th Line client is required to sign an anti-harassment policy prior to their first lesson or class, and appropriate action will be taken regarding any client who violates this policy.

**Prohibited Conduct Under This Policy**

5th Line, in compliance with all applicable federal, state and local anti-harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

* **Harassment**

5th Line prohibits harassment of any kind, including sexual harassment, 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 any person working for or on behalf of 5th Line as well as any client(s) of 5th Line.

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 national 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 status 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 5th Line’s anti-harassment 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 ... such conduct has the purpose or effect of ... creating an intimidating, hostile or offensive working environment.”

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

* Unreasonably interferes with an employee’s work performance or creates an intimidating, hostile or otherwise offensive environment.

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, notes, facsimiles, e-mails, photos, text messages, tweets and Internet postings; or other forms of communication that are sexual in nature and offensive.
* Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, noncoercive interactions between employees 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 instructor 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.

Lodging a bona fide complaint will in no way be used against an instructor or have an adverse impact on the individual’s employment status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation – whether by an instructor or by a client.

Any instructor who is found to have violated this aspect of the policy will be subject to discipline up to and including termination of employment. Any client who is found to have violated this aspect of the policy will be subject to discipline up to and including criminal prosecution and civil suit for any and all monetary loss the owner has incurred as a result of the false complaint. This may include lost income by the studio and/or instructor, time owner has dedicated toward the complaint, private investigator fees, legal counsel fees and any other legal fees including court costs.

**Confidentiality**

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation, and the owner will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files offsite by the owner.

**Complaint procedure**

5th Line 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. All complaints or concerns of alleged or possible discrimination or harassment will be taken seriously, no matter how minor or who is involved.

1. Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing. In the event a contractor or client is unable to or refuses to provide information in writing, the owner will dictate the verbal complaint.
2. Upon receiving a complaint or being advised violation of this policy may be occurring, the owner will ensure both the individual filing the complaint (complainant) and the accused individual (respondent) are aware of the seriousness of a sexual harassment complaint. 5th Line’s anti-discrimination and sexual harassment policy and investigation procedures will be explained to all parties involved.
3. The owner will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred. During the investigation, the owner may choose to obtain legal counsel and/or help of 3rd party investigators. The complainant, the respondent and any witnesses will be interviewed by one or all of the above named to determine whether the alleged conduct occurred.
4. If necessary, the complainant and the respondent will be separated during the course of the investigation, through change of overlapping contractor classes or sessions; prohibiting a client from scheduling lessons or classes with that instructor; or prohibiting that client from returning to 5th Line until the investigation is concluded.
5. Upon conclusion of an investigation, the owner other person(s) conducting the investigation will submit a written report of his or her findings. If it is determined that a violation of this policy has occurred, the owner 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).

1. 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 owner may recommend appropriate preventive action.
2. If a violation has been determined the owner alone or in conjunction with other investigative or legal counsel, will decide what action will be taken. The owner(s) alone or in conjunction with other investigative or legal counsel 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.
3. Contractors who violate this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand. The discipline for very serious or repeat violations is termination of employment. Persons who violate this policy may also be subject to civil damages or criminal penalties.
4. Clients who violate this policy will be subject to, at the minimum, inability to book classes or sessions with the complainant. Other discipline may include not being allowed to return to the studio for a specified period of time with no refund of any pre-paid packages or redemption of gift certificates; not being allowed to return to the studio indefinitely, a filed police report against them and prosecution to the fullest extent of the law.

**Alternative legal remedies**

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

I, , have read and understand the above policy

*(Client’s Full, Printed Name)*

and procedures.

Signature Date