ANTI-DISCRIMINATION AND HARASSMENT POLICY AND NOTICE TO ALL OFFICERS, STAFF AND EMPLOYEES:

This is the International Brotherhood of Boilermakers Iron Ship Builders, Blacksmiths, Forgers and Helpers (“IBB”) Anti-Discrimination and Harassment Policy (“Policy”) which shall be strictly enforced. This Policy strictly prohibits discrimination and harassment of any kind and sets forth a complaint procedure for individuals who believe that they have been subjected to or witnessed discriminatory or harassing conduct. All current and future IBB Officers, Staff, and full-time or part-time Employee(s) shall be provided a copy of the Policy and will be required to sign the “Acknowledgment and Agreement to Be Bound” page attached to this Policy. Each original signed Acknowledgment shall be kept in the appropriate International President’s Office (IPO) personnel file. A copy of the Acknowledgment signed by each applicable individual shall be provided to each applicable individual, and a notation shall be made in each personnel file documenting that such applicable individual received a copy of the Policy and a copy of the Acknowledgment the individual signed. Each time a new Officer is installed (if he or she has not
previously signed an Acknowledgment), or a new Staff or Employee hired, he or she shall be required to read the Policy and sign the Acknowledgment.

The Policy shall be posted in all IBB offices in a location where employee notices are normally posted. Such offices include International Headquarters; the Department of Government Affairs in Washington, D.C.; the Historical Preservation Department warehouse; the North Carolina Office; each International Vice President’s office; and any and all other IBB offices currently open or opened in the future. Appropriate locations to post the Policy include lunch rooms, break rooms, conference rooms, kitchens, bulletin boards, and/or any other location Officers, Staff and Employees frequent. If any office does not have a location in which employee notices are normally posted, at least one shall be created for purposes of posting this Policy. The IBB shall keep a file on this Policy, which includes all past and current policies and information regarding where and when each policy was and remains posted. A copy of the Policy shall also be posted on IBB’s website. The Policy shall not be removed from a location where it is posted without instructions from an authorized representative of the International President.

You are encouraged to review the Policy and submit any questions to the Chief of Staff, Administrative Assistant to the International President Tyler Brown, or his successor. In addition to utilizing the complaint procedures set forth in the Policy, you also have the right to file a complaint with the Equal Employment Opportunity Commission (“EEOC”) and/or an applicable State Fair Employment Practices Agency. To obtain the contact information for the EEOC or State Fair Employment Practices Agencies, please see attached Appendix A.
ANTI-DISCRIMINATION & HARASSMENT POLICY

I. To Whom This Policy Applies

A. IBB Officers, Staff, Employees, Applicants, Vendors and Contractors

The IBB is committed to maintaining a work environment that is free from discrimination and harassment of any type. In keeping with this commitment, the IBB prohibits and will not tolerate discrimination against or harassment of IBB Officers, Staff, Employees, Applicants for Employment, Vendors, or Contractors. This policy shall prohibit discriminatory and harassing conduct by any and all persons associated with the IBB, including the people listed in the preceding sentence, on the basis of race, color, religion, creed, national origin, ancestry, sex, pregnancy (including breastfeeding), childbirth and related medical conditions, gender (including gender identity and gender expression), sexual orientation, age, disability, medical condition, citizenship, genetic information, marital and familial status, past, current or prospective service in the uniformed services or any other characteristic protected under applicable federal, state, or local law. This policy shall also prohibit discrimination or harassment against individuals who are perceived to have any of these characteristics or who associate with a person who has or is perceived to have any of these characteristics. Such prohibition shall also extend to any and all IBB-related functions and activities which occur outside the traditional office work environment, including but not limited to conventions, conferences, and social functions.

B. IBB Members

IBB members are also covered by this Policy under certain circumstances. While recognizing that IBB cannot control the conduct of members on job sites of signatory contractors or owners, IBB members are also protected from any discrimination and harassment, as described
above, in any IBB office, including but not limited to the ones described above. IBB members are also protected from any discrimination and harassment, as described above, while attending any and all IBB-related functions and activities which occur outside the traditional office work environment, including but not limited to conventions, conferences, and social functions.

While recognizing that IBB cannot control the conduct of members on job sites of signatory contractors or owners, IBB prohibits any and all discrimination and harassment on job sites, consistent with any duty of fair representation. It is expressly understood that IBB does not control the conduct of any Job Steward. However, any member who believes he or she has been the victim of or witness to discrimination on a job site should contact his or her Job Steward, and the Job Steward is encouraged to assist the member in filing a grievance as provided for in the applicable collective bargaining agreement, to the extent consistent with any duty of fair representation.

It is also the Policy of IBB that Officers, Staff and Employees shall cooperate as requested in any investigation by a contractor or owner into alleged discrimination or harassment, consistent with any duty of fair representation. Recognizing that the IBB does not control the day-to-day conduct of its Subordinate Lodges, IBB encourages its Subordinate Lodges to aid any grievant in processing grievances alleging discrimination or harassment, consistent with its duty of fair representation. IBB also encourages its Subordinate Lodges to adopt appropriate Anti-Discrimination and Anti-Harassment Policies.

II. Definition of Discrimination

Discrimination is adverse treatment of any individual based on the protected class or category of persons to whom he or she belongs, rather than on the basis of his or her individual merit with respect to the terms, conditions, or privileges of employment, including but not limited
to hiring, promotion, discipline, scheduling, training, compensation, benefits or termination of employment.

It is not possible to list all the circumstances that may constitute discrimination which are in violation of this Policy. Discrimination may take many forms, including oral and other forms of verbal and nonverbal behaviors. Prohibited discrimination may include, but is not limited to, the following: (1) Making decisions based on stereotypes or assumptions about the abilities, traits, or performance of any person based on that person’s membership in a protected class; or (2) Denying opportunities to any person because of marriage to, or association with, another person who is a member of a protected class.

III. Definition of Harassment

A. Sexual Harassment

Sexual harassment is any harassment based on a person’s gender, gender identity, or gender preference. It includes harassment that is not sexual in nature (for example, offensive remarks about an individual’s gender), as well as any unwelcome sexual advances or requests for sexual favors or any other conduct of a sexual nature when any of the following is true:

1. Submission to the conduct is an explicit or implicit term or condition of obtaining or retaining employment, or is otherwise represented as a term or condition of employment;

2. Submission to or rejection of the conduct is used as a basis for an employment decision, such as eligibility for a raise or promotion; or

3. The conduct has the purpose or effect of substantially or unreasonably interfering with an individual’s work performance by creating an intimidating, hostile or offensive work environment.
Sexual harassment may come in many forms including, but not limited to:

1. Oral and verbal communication (for example, epithets, derogatory statements, slurs, sexually-related comments or jokes, unwelcome sexual advances, or requests for sexual favors);

2. Physical (for example, assault or inappropriate physical contact);

3. Visual (for example, naked photographs, displaying sexually suggestive posters, cartoons or drawings, sending inappropriate adult-themed gifts, leering or making sexual gestures);

4. Online (for example, naked photographs, derogatory statements or sexually suggestive postings in email, text messaging or any social media platform including Facebook, Twitter, Instagram, Snapchat, etc.).

This list is intended to be illustrative and is not exhaustive.

**B. Other Types of Harassment**

This policy applies equally to harassment based on an individual’s membership in any protected class. Such harassment often takes a form similar to sexual harassment and includes but is not limited to harassment that is:

1. Oral and verbal communication (for example, epithets, derogatory statements, slurs, derogatory comments or jokes);

2. Physical (for example, assault or inappropriate physical contact);

3. Visual (for example, displaying derogatory posters, cartoons or drawings, or making derogatory gestures);

4. Online (for example, derogatory statements or postings in email or any social media platform including Facebook, Twitter, Instagram, Snapchat, etc.).
This list is intended to be illustrative and is not exhaustive.

IV. Complaint Procedure

A. Filing a Complaint

The IBB cannot effectively prevent or remedy acts of discrimination or harassment without knowledge of their occurrence. If you feel that you have experienced or witnessed such discrimination or harassment, you should immediately report such conduct through the Complaint Procedure described in Article IV of this Policy. The IBB strongly encourages anyone who believes that he or she suffered or witnessed discrimination or harassment to report such discrimination or harassment before it becomes severe or pervasive.

Complaints of discrimination or harassment should be submitted in writing to Chief of Staff and Administrative Assistant to the International President, Tyler Brown, or his successor (753 State Ave., Ste. 570, Kansas City, KS 66101); or Director of Human Resources, Kathy Stapp, or her successor (753 State Ave., Ste. 565, Kansas City, KS 66101); or the IBB’s General Counsel Michael J. Stapp at Blake & Uhlig, P.A., or IBB’s successor General Counsel (753 State Ave., Ste. 475, Kansas City, KS 66101). Such complaints may be hand-delivered or mailed in an envelope marked “Personal.” Individuals who believe they have been subjected to or witnessed discrimination or harassment by the International President, International Secretary-Treasurer, and/or an International Vice President should submit their allegations in writing in an envelope marked “Personal” to Michael J. Stapp at Blake & Uhlig, P.A., or IBB’s successor General Counsel.

As of the date of this Policy, the addresses shown in the paragraph above are current. It is expected in the near future that IBB Headquarters will be relocated. It is important that complaints
are sent to the correct address and it is strongly encouraged that anyone who wishes to submit a Complaint either call IBB Headquarters (913-371-2640) solely to confirm the correct address, or check the IBB website ([www.boilermakers.org](http://www.boilermakers.org)) solely to confirm the correct address. Blake & Uhlig’s address may be confirmed on its website ([www.blake-uhlig.com](http://www.blake-uhlig.com)).

All such complaints should include the following information:

1. Your name, address, and both home phone number and cell phone number. If you do not have a home or cell phone number, so state. If you are a witness, include the name of the alleged victim(s) and any address, telephone number and email address you have for the alleged victim(s);
2. The identity of the alleged offender(s);
3. The behavior that is believed to constitute discrimination or harassment, including the date(s), location(s), and the presence of any witnesses; and
4. Any other information the complainant believes to be relevant or important.

**B. Investigation of the Complaint**

Upon receipt of the complaint of discrimination or harassment, the individual who receives the complaint shall contact and promptly forward a copy of the complaint to the International President. In cases involving alleged discrimination or harassment by the International President, IBB’s legal counsel will forward such complaints to the remaining members of the International Executive Council (IEC) who are not alleged to have involvement in the alleged discrimination or harassment.
An individual or a committee shall be appointed by the International President, or if he or she is alleged as someone involved in or witnessing the conduct, by the remainder of the International Executive Council (IEC), to conduct a prompt, thorough, and impartial investigation of the complaint and recommend remedial action, if warranted and available under the circumstances. In no event shall the appointed investigator(s) include the alleged offender(s) or alleged victim(s), nor shall the appointed investigator(s) be related to the alleged offender(s) or alleged victim(s) by blood or by marriage. The investigation will include, but will not necessarily be limited to, interviews with the complainant and/or victim(s), offender(s), and witnesses. All IBB Officers, Staff, and Employees must allow themselves to be interviewed if requested.

Upon completion of the investigation, the investigator(s) shall issue findings and recommended remedial action, when deemed appropriate.

C. Determinations of Investigations

Upon completion of the investigation, the appointed investigator(s) shall submit findings and recommended remedial action, if any, as follows:

1. When the International President is not alleged as an offender or witness.

   The International President (or uninvolved designee) shall review the investigator(s)' finding(s) and any recommendation(s) (with the aid of legal counsel if so desired). The International President (or uninvolved designee) shall make a determination as to whether discrimination or harassment has occurred.

2. When the International President is alleged as an offender or witness.

   The remainder of the IEC (or uninvolved designee) shall review the investigator(s)' finding(s) and any recommendation(s) (with the aid of legal counsel if so desired). No member of
the IEC who is alleged to have participated in or witnessed the alleged conduct, shall participate in any way in this process, and the remainder of the IEC shall proceed. The remaining IEC (or uninvolved designee) shall make a determination as to whether discrimination or harassment has occurred.

3. If a determination is made that discrimination or harassment has occurred.

The party making the determination pursuant to this Policy shall, if appropriate under the circumstances, take any action it believes is available and appropriate to correct such discrimination or harassment and to prevent its reoccurrence, including actions that may differ from the investigator(s)’ recommendations. The complainant shall be informed in writing of the determination and the remedial action(s) taken. A copy of this written determination shall be placed in the offender(s)’ personnel file(s).

If the party making the determination pursuant to this Policy determines that it is not the appropriate entity to remedy the discrimination or harassment found, the result of the investigation shall be reduced to writing and the complainant and alleged offender shall be informed by copy of said writing. A copy of this writing shall be placed in the offender(s)’ personnel file.

4. If a determination is made that no discrimination or harassment has occurred.

If the party making the determination pursuant to this policy concludes that neither discrimination nor harassment has occurred, the results of the investigation shall be reduced to writing and the complainant and alleged offender(s) shall be informed by a copy of said writing. A copy of the writing shall be placed in an investigatory file, not a personnel file, and the investigatory file shall be closed, and no notation shall be made in any party’s personnel file.
D. Appeal.

1. If a majority of the IEC, or subset thereof, makes a written determination, its determination shall be final and binding and there shall be no appeal.

2. If a complainant or an alleged offender feels that the International President’s determinations and/or corrective actions are incorrect, inappropriate, or otherwise not satisfactory or sufficient, he or she may appeal such determination and/or action at the next meeting of the International Executive Council, by filing a written “Appeal” addressed to the International Executive Council (753 State Avenue, Ste. 570, Kansas City, KS 66101). An “Appeal” must be received within 30 days of the written determination as set forth in Article IV(C) of this Policy. Please review Article IV(A) of this Policy for purposes of confirming the correct address for sending the Appeal.

The uninterested members of the IEC shall issue a written decision, which shall be final and binding and there shall be no appeal.

E. Use of Outside Parties

Nothing in this Policy shall be interpreted to mean that the putative victims of discrimination and/or harassment are prevented from exercising any of their legal rights to file charges or suit with appropriate local or state agencies, the Equal Employment Opportunity Commission and/or the appropriate court. Nothing in this Policy will be interpreted to toll any statute of limitations for filing charges before an appropriate agency or filing suit in an appropriate court. The appropriate agency and/or appropriate court shall give the most deference to the decision of the International President and/or IEC as permitted under the laws that exist at the time the alleged conduct occurred.
The parties agree that should suit be filed for breach of this policy, that the court with sole and exclusive jurisdiction to make substantive findings regarding breach of this policy, is the United States District Court for the District of Kansas. The parties specifically agree that jurisdiction and venue is appropriate only in the United States District Court of Kansas. The parties further agree Kansas conflict of law or choice of law principles shall not be applied by the District Court of Kansas to determine jurisdiction. Regardless of Kansas conflict of law or choice of law principles, the parties hereby stipulate and agree that any suits brought for breach of this policy can only be brought in the United States District Court for the District of Kansas.

F. Confidentiality & Prohibition against Retaliation

All complaints and testimony provided by individuals during the course of an investigation into allegations of discrimination or harassment shall be kept as confidential as possible and shall be held in a file separate from other personnel files.

It should be noted, however, that the identity of the complainant is usually revealed to the alleged offender and witnesses during the course of an investigation into alleged discrimination or harassment. Nonetheless, retaliation against any individual for bringing a discrimination or harassment complaint or assisting in the investigation of such a complaint is strictly prohibited. Any individual who believes that they are a victim of or have knowledge of such retaliation should report such conduct through this Complaint Procedure. Such a complaint shall be investigated and addressed in the same manner as a discrimination or harassment complaint.
Acknowledgment and Agreement to Be Bound

I, ________________________, acknowledge that on ________________________, I received a copy of the IBB Anti-Discrimination & Harassment Policy, and that I read it, understood it and agree to comply with it. I acknowledge that failure to abide by the IBB Anti-Discrimination & Harassment Policy could result in discipline up to and including termination of employment.

_________________________  ___________________________  ______________
Print Name                    Signature                    Date

Witnessed By:

_________________________  ___________________________
Any International Officer (Print Name)                  Chief of Staff (Print Name)

_________________________  ___________________________
Signature                    Signature

_________________________  ___________________________
Date                         Date

_________________________
Director of Human Resources (Print Name)

_________________________
Signature

_________________________
Date

IBB Anti-Discrimination & Harassment Policy
7/1/19