CHAPTER TWO: POLICIES PROHIBITING DISCRIMINATION AND HARASSMENT

BRG reserves the right to change, eliminate, and/or add to the terms and conditions of your employment, including, but not limited to, the right to discipline, demote, promote, and reassign employees; increase or decrease compensation; and change or eliminate jobs, job responsibilities, the employee's job description, reporting relationships, and all benefit plans and programs. The Company's exclusive right under this policy cannot be waived except by written agreement, signed by an officer of BRG, which expressly waives the sole and exclusive right to modify the conditions of employment.

Equal Employment Opportunity

BRG is an equal opportunity employer and makes employment decisions based on merit. Company policy prohibits unlawful discrimination against employees, applicants, paid and unpaid interns, apprentices, and volunteers because of race, color, religious creed, sex (including pregnancy), sexual orientation, gender (including gender identity and gender expression), marital status, domestic partner status, age, national origin or ancestry, ethnicity, citizenship, physical or mental disability, medical condition, service in the uniformed services (past, current, or prospective), genetic information, or any other consideration made unlawful by federal, state, or local laws. As used in this Handbook, the term "domestic partner" means any individual who is a partner in a relationship that is registered with any state or local government marital or partnership registry. The Company also prohibits unlawful discrimination based on the perception that anyone has any of the above characteristics, or is associated with a person who has or is perceived as having any such characteristics.

The Company is committed to compliance with all applicable laws providing for equal employment opportunities. This commitment applies to all persons involved in Company operations and prohibits unlawful discrimination by any employee of the Company, including supervisors and coworkers.

In accordance with applicable federal and state law, BRG will attempt to reasonably accommodate qualified disabled employees, applicants, or other personnel to the full extent required by law. Any qualified employee or other personnel with a disability who requires an accommodation in order to perform the essential functions of his or her job should contact the HR department and request an accommodation.

Lactation Accommodation

The Company will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child, to the extent required by and in accordance with applicable law. The break time, if possible, must run concurrently with rest and meal periods already provided to the employee. If the break time cannot run concurrently with rest and meal periods already provided to the employee, the break time will be unpaid, to the extent permitted by applicable law.

The Company will make reasonable efforts to provide employees with the use of a room or location, other than a toilet stall, for the employee to express milk in private. This location may be the employee's private office, if applicable.

Please contact HR if you have questions regarding this policy. Employees should review their state addendum for specific state information related to this policy.

Unlawful Harassment

Basic Policy

BRG is committed to providing a work environment free of unlawful harassment and other inappropriate conduct. To this end, BRG prohibits all inappropriate behavior and unlawful harassment based on race, color, religious creed, sex (including pregnancy), sexual orientation, gender (including gender identity and gender expression), marital status, domestic partner status, age, national origin or ancestry, ethnicity, citizenship, physical or mental disability, medical condition, service in the uniformed services (past, current, or prospective), genetic information, or any other characteristic protected by federal, state, or local laws.

The type of behavior that is prohibited by this policy includes any and all verbal, physical, and visual conduct that others may find offensive and inappropriate for the workplace. Such conduct constitutes unlawful harassment prohibited by this policy whenever: (1) submission to the conduct is either an explicit or implicit term or condition of employment; (2) an employee's reaction to the conduct is used as a basis for employment decisions affecting that employee; or (3) the conduct unreasonably interferes with the employee's work performance or creates an intimidating, hostile, or offensive environment.

This policy against harassment applies to all employees, applicants, apprentices, paid and unpaid interns, and volunteers. Harassment of BRG personnel by third parties is also prohibited, as is harassment of third parties by BRG personnel.

Sexual Harassment

The above harassment policy encompasses and strictly prohibits sexual harassment of any kind.
Sexual harassment includes any form of unlawful harassment based on sex or gender. This includes harassing behavior that is not sexual in nature (for example, offensive remarks about an individual's sex or gender), as well as any unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature. Such conduct rises to the level of unlawful sexual harassment where:

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

Sexual harassment also may occur in the context of a relationship that was once consensual, but has since changed so that the behavior in question is no longer welcomed by one party. For this reason, BRG's policies strictly prohibit managers and supervisors from becoming romantically involved with their direct reports. If a manager or supervisor becomes involved with a subordinate, the relationship should be immediately disclosed to HR so that appropriate steps are taken to ensure that the relationship is fully consensual and there is no potential for harassment or favoritism.

Examples of Unlawful Harassment and Inappropriate Behavior Prohibited by This Policy

Inappropriate workplace conduct and unlawful harassment may take many forms, including but not limited to:

Verbal: Epithets; derogatory comments, slurs, or name-calling; sexually explicit, suggestive, or degrading words to describe an individual; sexually explicit jokes, emails, or any other form of written communication, comments, noises, or remarks; racial or ethnic slurs; asking for sexual favors; repeated requests for dates, threats, propositions, unwelcome and unwanted correspondence, phone calls, and gifts; or other unwelcomed attention.

Physical: Assault; impeding or blocking movement; any physical interference with normal work or movement when directed at an individual; unwanted and unwarranted physical contact, such as touching, pinching, patting, grabbing, brushing against, or poking another employee's body.

Visual: Derogatory or offensive posters, cartoons, or drawings; displaying sexual pictures, writings, or objects; obscene letters or invitations; staring at or directing attention to an employee's anatomy; leering; sexually oriented or suggestive gestures.

Cyberstalking: Harassment using electronic communication, such as email or instant messaging (IM), or messages posted to any form of social media, a website, blog, or discussion groups.

Sexual: Threats or demands to submit to sexual requests as a condition of employment or to avoid some other loss, or offers of job benefits in return for sexual favors.

These kinds of behavior can occur in one-on-one interactions or in group settings. The examples listed above are not meant to be a complete list of objectionable behavior. It is impossible to define every action or all words that could be interpreted as harassment. In order to gauge the appropriateness of your behavior, you should pay close attention to other people's reactions and stated requests and preferences, respecting their wishes, and treating them in a professional manner, regardless of gender, sex, race, religion, nationality, age, sexual orientation, or other personal characteristics.

Liability for Harassment

Any employee who is found to have engaged in prohibited harassment will be subject to discipline, up to and including termination. In addition, such employee may be personally liable for monetary damages.

BRG does not consider conduct that violates its policies prohibiting harassment to be within the course and scope of employment or the direct consequence of the discharge of one's duties. Accordingly, to the extent permitted by law, BRG reserves the right not to provide a defense or pay damages assessed against any employee for conduct in violation of this policy.

Reporting and Investigating Discrimination and Harassment

All employees are responsible for helping to ensure a workplace free of discrimination and harassment. Any employee who feels that he or she has been subjected to discrimination should immediately report his or her concern to his or her manager, any other Company manager or officer, HR, or the Legal department. The Company has a hotline that you can call anonymously with issues you might have regarding compliance with

these policies. For information on how to contact the hotline, please see the HR page on ThinkTank or click here. Employees who believe that they are being harassed also should immediately inform the harasser, regardless of his or her position, that the employee finds his or her behavior to be offensive and ask the person to stop. BRG recognizes that this is not always possible or effective, of course, and this is not a required condition of making a formal complaint.

Employees should not assume that their immediate supervisor or members of management are aware of what is happening. It is the responsibility of each employee to report incidents of discrimination and/or harassment to their manager, any other manager or officer of the Company, or to HR directly. Any manager or officer who receives a complaint or observes discriminatory or harassing behavior must inform HR immediately, unless the complaint involves a member of HR, in which case the matter should be brought to the attention of the Legal department. To avoid any possible misunderstanding that can occur when matters are reported verbally only, it is important that you put your complaint in writing, using the form attached to these policies, as soon as possible, even if you previously raised the complaint verbally. This way, there is an accurate and complete record of the complaint, and it can be investigated as promptly and thoroughly as possible. Any manager or officer who is aware of harassment in the workplace but fails to report such conduct or take any action to stop it will be subject to discipline, up to and including termination.

Complaints of discrimination and/or harassment will be investigated promptly and impartially. Detailed reports—including names, descriptions, and actual events or statements made—will greatly enhance the Company's ability to investigate. Any documents supporting the allegations also should be submitted. Complaints will be kept confidential to the maximum extent possible; however, to conduct a thorough and impartial investigation, complete confidentiality may not be possible. Allegations will be disclosed to those necessary to ensure a thorough investigation and/or decision regarding appropriate action to be taken.

If prohibited or unlawful discrimination, harassment, or other inappropriate conduct is found to have occurred, prompt disciplinary action will be taken, up to and including termination of any employee(s) involved in alleged wrongdoing. Where appropriate, the Company also will evaluate whether its existing policies and procedures should be modified to deter and prevent similar conduct in the future. The employee lodging the complaint will be informed of whatever corrective action(s) the Company takes to resolve and remedy the situation.

Employees are expected to cooperate with the Company’s efforts to investigate claims of discrimination and/or harassment. Employees who refuse to cooperate with the Company’s investigation may be subject to discipline, up to and including termination. In addition, anyone who knowingly makes a false claim or knowingly provides false information during an investigation will be subject to disciplinary action, up to and including termination.

Protection Against Retaliation

BRG prohibits any form of retaliation against any employee who opposes discrimination or prohibited harassment, files a complaint, or testifies, assists, or participates in any manner in an investigation, proceeding, or hearing conducted by the Company or a local, state, or federal agency. If you believe that you have experienced or witnessed retaliation, you should immediately report your concern to your manager, any other Company manager or officer, or HR.

Any employee who engages in retaliation will be subject to disciplinary action, up to and including termination, as well as possible legal consequences.

Additional Information on Discrimination and Harassment

HR is responsible for administration of this policy. If you have any questions regarding this policy, or questions about harassment that are not addressed in this policy, please contact HR. You also may contact federal or state agencies for further information or to file charges. You can contact the US Equal Employment Opportunity Commission (EEOC) at the federal level. At the state level, the agency name will vary. For more information about federal or state agencies, consult HR.