

Policy against Harassment, Discrimination, and Retaliation

Harassment Will Not Be Tolerated

Davis Wright Tremaine is committed to providing a workplace that is free of verbal, physical and visual forms of harassment so that everyone can work in a productive, respectful and professional environment. Harassment in employment based on an employee's sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), race, color, ancestry, sexual orientation, gender, gender identity, gender expression, national origin, religious creed, age, marital status, physical or mental disability, genetic information, pregnancy, medical condition, military or veteran status, or any other basis prohibited by local, state or federal law and is strictly prohibited. Davis Wright Tremaine does not tolerate harassment, based upon any protected status, by anyone in the workplace – attorneys, staff, supervisors, co-workers, or non-employees. Anyone who violates this policy is subject to discipline, up to and including possible termination.

What is Harassment?

Examples of harassment based on gender (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender identity, gender expression, sexual orientation, race, color, ancestry, national origin, religion or religious creed, age, marital status, physical or mental disability, genetic information, medical condition, military or veteran status or any other status protected by local, state or federal law can include, but are not limited to:

- Cartoons or other visual displays of objects, pictures or posters that depict such protected groups in a derogatory way
- Verbal conduct, including making or using derogatory comments, epithets, slurs and jokes towards such groups

Sexual harassment is generally defined as unwelcome sexual advances, requests for sexual favors, or other visual, verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment
- Submission to or rejection of such conduct affects employment opportunities
- The conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment

Sexual harassment also includes harassment of another employee of the same gender as the harasser.

Examples of sexual harassment include, but are not limited to, the following types of behavior:

- Unwelcome sexual advances, like requests for dates or propositions for sexual favors
- Excessive, one-sided, romantic attention in the form of requests for dates, love letters, telephone calls, email messages or gifts
- Offering or conditioning an employment benefit, like a raise, a promotion or a special job assignment, in exchange for sexual favors

- Threatening reprisals, retaliating or changing performance expectations after an employee has turned down a sexual advance
- Physical conduct including leering or making sexual gestures
- Visual displays of sexually suggestive objects, pictures, cartoons, calendars or posters in the workplace
- Verbal conduct including like making or using derogatory comments, epithets, slurs, teasing and jokes of a sexual nature
- Graphic verbal or written comments (including email messages or other electronic documents) about an individual's sex life or body
- Sexually degrading words used to describe an individual
- Suggestive or obscene letters, email messages, text messages, notes or invitations
- Unwelcome physical contact, including pats, hugs, brushes, touches, shoulder rubs, assaults, or impeding or blocking movements

This policy is also violated if an employee is fired, denied a job, or denied some other employment benefit because the employee refused to grant sexual favors, complained about harassment, or assisted in an investigation of harassment.

Davis Wright Tremaine is committed to taking reasonable steps to prevent harassment from occurring and will take immediate and appropriate action when we know that harassment in violation of this policy has occurred; however, we need the cooperation of all partners and employees at all levels to provide an appropriate and respectful workplace free from discriminatory harassment.

What to Do if Harassment Occurs

Each partner and employee is responsible for supporting and adhering to this policy. None of us should tolerate inappropriate behavior. If you are offended, you should make your feelings known to the offending person(s), if you are comfortable doing so. In many cases if, you make your feelings known to the offending person(s), tell them the conduct is not appropriate, and ask them to stop, the situation may be resolved.

If you are not comfortable doing this or doing so does not immediately remedy the issue, you must promptly report the issue, whether such behavior is directed toward you personally or toward someone else at Davis Wright Tremaine. Reports of offending behavior should be made to the Human Resources Department, the Human Resources Director, through DWT's anonymous complaint platform (dwtspeakup.com), any Partner-in-Charge, Office Administrator, the Managing Partner or the Chief Administrative Officer. Alternatively, one could submit a Complaint Form (see HR Policies posted on DWT Portal).

Employees are strongly encouraged to report concerns about harassment and discrimination before behaviors become severe or pervasive, as Davis Wright Tremaine is committed to stopping harassment and discrimination before they rise to the level of violations of anti-harassment and anti-discrimination laws. Supervisors and managers who know of or receive reports or complaints of offending behavior are required to promptly notify the Human Resources Director or Human

Resources Manager so that appropriate action can be taken, regardless of whether or not the situation appears to the manager or supervisor to rise to the level of unlawful conduct. Any supervisor or manager who knowingly allows harassment to continue without reporting it as required is subject to appropriate disciplinary action, up to and including termination of employment.

Davis Wright Tremaine will promptly and appropriately investigate all claims of harassment. Complaints of discrimination or harassment will be handled with sensitivity, discretion and to the extent possible under the circumstances and the law, with confidentiality. Generally this means that allegations of harassment and discrimination harassment are shared with those who have a need to know and to the extent necessary for Davis Wright Tremaine to conduct an effective investigation.

The complaining employee should provide as many details as possible, such as the date(s), location(s), name(s) of witnesses, and other information about the alleged conduct. Persons with relevant information will then be interviewed. Steps may be taken, when appropriate, to minimize contact between an employee who may be a victim of harassment and the alleged harasser, including schedule changes, temporary transfers or investigatory leave. After the investigation is completed, Davis Wright Tremaine will communicate with the employee who may be the victim of harassment and any others as appropriate under the circumstances.

If Davis Wright Tremaine concludes that harassment in violation of this policy occurred, prompt and effective remedial action will be taken. This may include discipline of the harasser and other actions to remedy the effects of the harassment and prevent further harassment.

Retaliation

No action will be taken against any employee who in good faith files a complaint concerning a violation of this policy or assists in the investigation of such a complaint. Employees who believe that they have been retaliated against for making a complaint, participating in an investigation, or engaging in other protected conduct must promptly notify the Human Resources Director, Human Resources Manager, a Partner-in-Charge, a Practice Group Chair, an Executive Committee member, an Office Administrator, the Chief Administrative Officer, the General Counsel, or the Managing Partner so that their concerns can be investigated and any appropriate corrective measures taken.

Workplace Bullying

All employees and partners should be treated with dignity and respect. Bullying and abusive conduct is workplace conduct that a reasonable person would find hostile, offensive, and unrelated to the firm's legitimate business interests. Although such conduct may not be a violation of the law, conduct that may not be considered harassment in violation of this policy may still be abusive or bullying in nature, and as such, violates this policy prohibiting workplace bullying.

Regardless of circumstances or setting, employees and attorneys at all levels found to be engaging in abusive conduct will be held accountable.

Bullying conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets; verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or the gratuitous sabotage or undermining of a person's work performance. A single act does not generally constitute bullying, unless especially severe and egregious.

Workplace bullying includes, but is not limited to, the following:

- Verbal abuse, such as the use of patently offensive, demeaning, and harmful derogatory remarks, insults, and epithets
- Verbal or physical conduct that is threatening, intimidating or obscene
- Spreading misinformation or malicious rumors
- Pushing, shoving, kicking, poking, tripping, assaulting, or threatening physical assault, or damaging a person's work area or property
- Making repeated inappropriate comments about a person's appearance, lifestyle, family, or culture
- Regularly inappropriately teasing or making someone the brunt of pranks or practical jokes
- Circulating inappropriate or embarrassing photos or videos via e-mail or social media
- Unwarranted physical contact
- Purposefully excluding, isolating, or marginalizing a person from normal work activities
- Sabotaging, subverting, obstructing, or disrupting another person's work performance

Cyberbullying refers to bullying, as defined above, that occurs using a computer, cell phone, smartphone, tablet, pager, or other device that transmits electronic information, regardless of whether the device is owned by or located at the firm or connected to the firm's network. Cyberbullying is also prohibited.

There is a difference between bullying and appropriate supervision. Examples of reasonable supervisory actions, when carried out in an appropriate manner, include:

- Providing performance appraisals
- Coaching or providing constructive feedback
- Monitoring or restricting access to sensitive information for legitimate business reasons
- Scheduling ongoing meetings to address performance issues
- Setting aggressive performance goals to help meet departmental goals
- Counseling or disciplining an employee for misconduct

This policy in no way prohibits employees from engaging in activities that are protected under applicable state and federal laws, including but not limited to any activity that is protected under Section 7 of the National Labor Relations Act, which includes the right of team members to speak, raise concerns and/or debate about their wages, hours, or working conditions at the firm.

For filing complaints internally: if preferred, employees may use the Complaint Form (see HR Policies posted on DWT Portal), which must be returned to one of the designated parties listed above.

What to Do if Inappropriate Conduct Occurs

Each partner and employee is responsible for supporting and adhering to this policy. None of us should tolerate inappropriate conduct. If you are offended, you should make your feelings known to the

offending person(s) if you are comfortable doing so. In many cases if, you make your feelings known to the offending person(s), tell them the conduct is not appropriate, and ask them to stop, the situation may be resolved.

If you are not comfortable letting the offending person know yourself or doing so does not immediately remedy the issue, you must promptly report the issue, whether such behavior is directed toward you personally or toward someone else at Davis Wright Tremaine. Reports of offending behavior should be made to the Human Resources Department, the Human Resources Director, through DWT's anonymous complaint platform (dwtspeakup.com), any Partner-in-Charge, Office Administrator, the Managing Partner or the Chief Administrative Officer. Alternatively, one could submit a Complaint Form (see HR Policies posted on DWT Portal).

Employees are strongly encouraged to report concerns about inappropriate work conduct before behaviors become severe or pervasive, as Davis Wright Tremaine is committed to stopping harassment, discrimination, and retaliation before they rise to the level of violations of anti-harassment and anti-discrimination laws. Supervisors, managers, and attorneys who know of or receive reports or complaints of inappropriate conduct of the nature described in this policy are required to promptly report to the Human Resources Director, Human Resources Manager, any Partner-in-Charge, Practice Group Chair, Executive Committee member, Office Administrator, the Chief Administrative Officer, the General Counsel, or the Managing Partner so that appropriate action can be taken, regardless of whether or not the situation appears to the supervisor, manager, or attorney to rise to the level of unlawful conduct. Any supervisor, manager, or attorney who knowingly allows harassment to continue without reporting it as required is subject to appropriate disciplinary action, up to and including termination of employment.

Davis Wright Tremaine will promptly and appropriately investigate all reports of harassment, discrimination and/or retaliation. Complaints will be handled with sensitivity, discretion and to the extent possible under the circumstances and the law, with confidentiality. Generally this means that the allegations are shared with those who have a need to know and to the extent necessary for Davis Wright Tremaine to conduct an effective investigation.

The complaining employee should provide as many details as possible, such as the date(s), location(s), name(s) of witnesses, and other information about the alleged conduct. Steps may be taken, when appropriate, to minimize contact between an employee who may be a victim of harassment and the alleged harasser, including schedule changes, temporary transfers or investigatory leave. After the investigation is completed, Davis Wright Tremaine will communicate with the employee who may be the victim of harassment and others as appropriate under the circumstances.

If Davis Wright Tremaine concludes that a violation of this policy has occurred, prompt and effective remedial action will be taken. This may include discipline and other actions to remedy the situation and prevent violations of this policy.

Reporting Violations of this Policy

If you experience, witness, or learn about harassment, discrimination, retaliation, bullying, or any other conduct that you find troubling in the workplace, please report it to the Human Resources Department, any Partner-in-Charge of any office, any Practice Group Chair, any Executive Committee member, any Office Administrators, our Chief Administrative Officer, our General Counsel, or the Managing Partner of

our firm. Their contact information is below. If you are a supervisor or manager in any capacity, you are required to report all potential violations.

Employees may also choose to make an internal complaint by using the Complaint Form (see HR Policies posted on DWT Portal) or go to [dwtSpeakup.com](https://dwt.speakup.com) (our anonymous online reporting platform).

DWT's Human Resources Department

HumanResources@DWT.com

206-757-8445

DWT's Director of Human Resources

RachelJames@DWT.com

206-757-8663

DWT Speak Up (anonymous reporting website and helpline)

Website: [dwtSpeakup.com](https://dwt.speakup.com)

Phone: 800-461-9330

Text: 206-809-7857

DWT's Chief Administrative Officer

KelliKohout@DWT.com

206-757-8209

DWT's Managing Partner

JeffreyGray@DWT.com

415-276-6581

DWT's General Counsel

JoeWeinstein@DWT.com

206-757-8165

Other Contact Options (see DWT's internal Portal for specific names and contact information)

[Executive Committee Members](#)

[Office Administrators of any Office](#)

[Partner in Charge of any Office](#)

[Practice Group Chair of any Department](#)

Employees may also choose to make a report to a federal, state or local government agency covering their jurisdictions or to file a complaint in court. Employees may file a complaint with the Equal Employment Opportunity Commission at <https://www.eeoc.gov>, 1-800 669-4000. California employees may file a complaint with the Department of Fair Employment and Housing (DFEH), at www.dfeh.ca.gov, 800-884-1684. New York Employees may file a complaint with the New York State Division of Human Rights at <https://dhr.ny.gov> or the New York City Commission on Human Rights at <https://www1.nyc.gov/site/cchr/index.page>, 718-722-3131.

This policy does not prohibit employees from engaging protected concerted activities under the National Labor Relations Act and similar state laws, includes the right of employees to speak, raise concerns and/or debate about their wages, hours, or working conditions at the firm.

SPECIAL NOTICE FOR OREGON EMPLOYEES:

OREGON WORKPLACE FAIRNESS ACT (Anti-Discrimination, Harassment and Sexual Assault Policy)

Davis Wright Tremaine prohibits discrimination and harassment, including as described in our EEO and Anti-Harassment Policy. It is our policy to comply with all laws prohibiting discrimination, harassment and sexual assault in the workplace, including Oregon's Workplace Fairness Act (OWFA). In accordance with the OWFA, the following policy applies to Oregon employees and supplements our other policies in the handbook.

This policy applies to sexual assault, discrimination, and harassment under Oregon law as defined in the OWFA, including based on: race, color, religion, sex, sexual orientation, national origin, marital status, age if 18 or older, or because of such status of a person with whom the individual associates, or because of an expunged juvenile record, service in a uniformed service, or disability.

For purposes of this policy, sexual assault means unwanted conduct of a sexual nature that is inflicted on a person or compelled through physical force, manipulation, threat or intimidation.

Reporting Requirements & Documentation

To report discrimination, sexual assault, or other conduct, Oregon employees should use the reporting procedures described in the Anti-Harassment Policy in our handbook. The Human Resources Director is responsible for receiving such reports and the Partners-in-Charge, Office Administrators, the Managing Partner, and the Chief Administrative Officer are all additional and alternate individuals for receiving such reports. Contact information for these individuals can be found in our Anti-Harassment Policy. Both the firm and employees are specifically advised to document any incidents involving discrimination, harassment, or sexual assault, or complaints of the same.

Non-disclosure and Non-disparagement Agreements

Davis Wright Tremaine may not and will not require or coerce any employee to enter into a non-disclosure or non-disparagement agreement that has the purpose or effect of preventing the employee from disclosing or discussing conduct that constitutes discrimination or harassment (including sexual assault) prohibited by the OWFA that occurred (1) between employees or between the employer and employee in the workplace or at an off-premises work-related event coordinated by or through the firm or (2) that occurred between employees off premises.

However, notwithstanding the above, an employee claiming to be aggrieved by discrimination, harassment or sexual assault as defined by the OWFA may voluntarily request to enter a settlement, separation or severance agreement that includes a non-disclosure, non-disparagement, or no-rehire provision. If the firm agrees, the employee will have seven days to revoke the agreement after signing, after which time the agreement is effective.

A *non-disclosure agreement* is one that requires an employee to keep confidential and not discuss or disclose to third parties the information described in that agreement. A *non-disparagement agreement* is one that prohibits one or more parties from communicating in a way that makes disparaging, negative, or similar remarks about others, as described in that agreement. A *no re-hire provision* is one that prohibits the employee from seeking reemployment with the employer, and allows the employer to not rehire that individual in the future.

Nothing in this policy limits the Davis Wright Tremaine's ability to enter into any agreement except where expressly prohibited by the OWFA or other applicable law.

Complaints and Rights of Action

Nothing in this policy limits any person from filing a complaint with the Oregon Bureau of Labor and Industries and/or the Equal Employment Opportunity Commission. Additionally, under the OWFA, employees may file a legal action alleging discrimination, harassment or sexual assault as defined under the OWFA no later than five years after the occurrence of the alleged unlawful employment practice. Other applicable laws may have a shorter time limitation on filing.