

NJAJ Educational Foundation, Inc. Event Code of Conduct & Anti-Harassment Policy

The NJAJ Educational Foundation, Inc. (the “Foundation”) is committed to providing a safe, productive, and welcoming environment for all meeting participants and Foundation staff. All participants, including, but not limited to, attendees, speakers, volunteers, exhibitors, sponsors, Foundation staff, and service providers, are expected to comply with this Policy. This Policy applies to all Foundation events, including those sponsored by companies and firms held in conjunction with the Foundation, in public or private facilities.

I. UNACCEPTABLE BEHAVIOR

“Unacceptable behavior” is defined to include:

- Harassment or discrimination, as defined in Section V.
- Physical or verbal abuse.
- Inappropriate use of nudity and/or sexual images in public spaces or presentations.
- Intimidation.
- Stalking.
- Unwanted touching, unwanted remarks of a sexual nature, unwelcome comments about someone’s body or personal appearance, and unwelcome attention.
- Unsafe behavior.
- Irresponsible drinking.
- Illegal drug use or attendance at an event while under the influence of illegal drugs.
- Violation of the dress code, as defined in Section IV.

In response to any incident of unacceptable behavior, the Foundation reserves the right to take any immediate action deemed necessary and appropriate, including removal from the meeting without refund.

II. RESPONSIBLE DRINKING

At Foundation events, including receptions, where both alcoholic and non-alcoholic beverages are served, participants and staff who choose to drink alcoholic beverages are expected to drink responsibly. Foundation, convention, hotel, or venue event staff have the right to deny alcohol service to attendees for any reason and may require an attendee to leave the event.

III. PERSONAL SAFETY AND SECURITY

The Foundation is committed to providing a safe and secure environment at its meetings and events by working with venue staff to make sure meeting participants are safe. We ask that all attendees report any questionable or concerning activity to Foundation, convention, hotel, or venue event staff. Foundation, convention, hotel, or venue event staff have the right to ask anyone engaging in behavior that is deemed unsafe to leave the event. Additionally, the Foundation recommends the following:

- Be aware of your surroundings at all times. Do not wear earbuds.
- Use the buddy system when walking to and from event venues, including networking event locations during early or late hours.
- Don't wear your meeting badge on the street. Take it off as soon as you leave the building/venue.
- Don't carry a lot of cash or credit cards. Leave in your hotel room safe.
- Don't leave personal property unattended anywhere, anytime.

IV. DRESS CODE

The Foundation is a professional organization. Attendees of events should dress in clean, appropriate business, business casual, or neat casual attire, as the event calls for. Under no circumstances are the following permissible: Attire containing profane, discriminatory, derogatory, sexually explicit, or otherwise objectionable content, which is excessively revealing, or which would violate any other portion of this policy.

V. ANTI-HARASSMENT AND DISCRIMINATION POLICY

The Foundation does not tolerate any form of harassment or discrimination.

“Harassment” includes, but is not limited to, unwanted remarks of a sexual nature, unwelcome comments about someone’s body or personal appearance, and unwelcome attention; physical contact that is unwelcome or uninvited; stalking; threats; or any conduct that is hostile, discriminatory, intimidating, or abusive.

“Discrimination” is conduct motivated by bias towards, or containing a negative reference to: race, ethnicity, national origin, religion or creed, age, pregnancy, gender, gender identity or expression, sex, body shape, personal appearance, sexual orientation, disability or handicap, marital status, parental status, familial status, civil union or domestic partnership status, past or present military service, genetic or cellular traits, or any person’s real or perceived connection to another’s status regarding one of these protected characteristics.

“Discrimination” includes sharing, displaying, distributing, or circulating materials which include objectionable reference to any of the above, or wearing attire which contains objectionable reference to any of the above.

If you experience harassment or discrimination or notice that someone else is the victim of harassment or discrimination, please immediately contact Cornelius J. Larkin, the Foundation’s Executive Director, at clarkin@nj-justice.org or 609-396-0096 so that we can investigate and take appropriate action. If he cannot be immediately contacted, please find a Foundation Trustee.

VI. COMPLAINTS REGARDING ALLEGED VIOLATION OF THE FOUNDATION'S EVENT POLICY

A. When A Complaint May Be Made

A complaint regarding an alleged violation of the Foundation's Event Code of Conduct and Anti-Harassment Policy (the "Policy") may be made at any time, although the Foundation encourages that complaints be made as soon after a possible triggering occurrence happens as can be managed, as a full investigation is best conducted as close to an event as possible.

B. How A Complaint May Be Made

The complaint may be made verbally, in writing, or electronically. Complainants are encouraged, though not required, to make complaints in writing in order to minimize miscommunication. The complaint may be made anonymously, though the Foundation encourages any person(s) making a complaint to trust the process and not make the complaint anonymously, since the Foundation's ability to investigate may be compromised without all pertinent information. There is no guarantee that anonymous complaints will be investigated as it compromises the due process rights of the person named in the complaint.

C. To Whom A Complaint May Be Made

A complaint regarding an alleged violation of the Foundation's Policy may be made to any officer of the Foundation, the Foundation's Executive Director, or to any member of the Foundation Board of Trustees. A verbal, written, or electronic complaint will not be considered valid and will not trigger the process described herein unless it is made to one of these persons.

D. Persons Who May Be Subject to Complaint

All Foundation Trustees, members of all classes of members of the New Jersey Association for Justice, Inc., a 501 (c)(6) entity ("NJAJ"), all NJAJ and Foundation staff, all vendors and their staff and contractors, and all other guests are expected to abide by the Policy. A complaint may be made about any of these persons. All complaints will be treated equally, regardless of the persons subject to the complaint.

VII. ACTIONS ON COMPLAINT

A. Opening File

Once a complaint has been made, Foundation headquarters will open a file on the matter within a reasonable period of time after the complaint is received, taking into account to whom the complaint was made, how it was made, and when it was made.

Foundation headquarters will advise the current Foundation Chair and Vice Chair of the complaint details as soon as is practical, once the file is opened.

If the standing Foundation Chair was the subject of the complaint or if for some other reason she

or he feels the need to recuse, the Foundation Vice Chair will take the place of the Foundation Chair as to all decisions and participation set forth hereafter.

B. If Complaint is against a NJAJ Member

If the complaint is against a NJAJ Member and is only made to the Foundation, the Foundation Chair shall refer the matter to NJAJ to adjudicate in accordance with its Bylaws.

Notwithstanding the foregoing the Foundation has an obligation, and retains the right, to conduct its own investigation into the matter and undertake any action it deems appropriate. Therefore, it will follow the procedures set forth in VII (C) below. The Foundation is not bound by any determination made by NJAJ.

C. Procedures to Follow on Complaint

1. Appointment of Investigator

The Foundation Chair, in consultation with Foundation staff and with any other persons the Foundation Chair feels appropriate (e.g., Foundation's legal counsel, staff, other members of the Foundation Board of Trustees, etc.), will appoint one person (the "Investigator") to lead the investigation of the complaint. This person shall be a present member of the Foundation Board of Trustees. The Investigator shall have the authority to request assistance with the investigation from one or more persons as she or he deems necessary.

Once appointed, the Investigator shall send written notice of the allegations in the complaint to the person about whom the complaint was made (the "respondent"). The notice shall also explain how the investigation shall be conducted, the respondent's right to a hearing with an attorney, the potential consequences, and a summary of the appeal process.

2. Conduct of Investigation

The Investigator and anyone assisting with the investigation shall conduct their investigation with alacrity appropriate to the circumstances, shall review documents or media which may be pertinent, shall speak with (and as advisable, obtain statements or other written confirmation of fact from) the complainant, the respondent, any witnesses deemed appropriate, and shall do all other things which are reasonable under the circumstances to fully investigate the complaint.

At the conclusion of the investigation, the Investigator shall prepare a written Finding which will adjudicate the complaint as substantiated, partially substantiated, or not substantiated, with a detailed explanation of the reasoning for the adjudication. The Finding shall be given to the respondent along with notice to the respondent that he or she has fifteen (15) days to request a hearing. If the hearing is requested, the Investigator shall notify the complainant that a hearing shall take place.

A hearing shall not take place fewer than fifteen (15) days from the date the complainant is notified of the respondent's request for a hearing.

If a hearing is requested, it will be held either before the Board of Trustees of the Foundation or

a committee of three persons appointed by the Board (“Hearing Officers”). The respondent and the complainant may have attorneys or non-attorney advocates represent them at the hearing.

3. Hearing.

At the hearing, the Hearing Officers may admit any relevant evidence, including hearsay evidence used to supplement or explain other evidence. Hearsay evidence alone will not be sufficient to support a decision.

At the request of either complainant or respondent or on its own motion, the Hearing Officers may conduct the hearing in private session.

Each party has the right to:

- (a) Make a statement;
- (b) Introduce evidence, testimony, and witnesses;
- (c) Cross-examine opposing parties and witnesses; and
- (d) Rebut evidence and testimony.

The Hearing Officers may relax technical rules of evidence and procedures. The Hearing Officers have the right to exclude all irrelevant, immaterial, or repetitious evidence. The Hearing Officers have the discretion to impose reasonable limits on the time allowed to testify and the number of witnesses.

If the complainant does not appear at the hearing, the Hearing Officers may dismiss the complaint, with or without prejudice, at their discretion.

The Hearing Officers will only take evidence under oath or affirmation.

If one of the Hearing Officers withdraws before issuing a Finding, the remaining Hearing Officers will continue the hearing. The Foundation Chair can decide whether to replace the withdrawn Hearing Officer. If a replacement is named, that replacing Hearing Officer shall decide from the existing record and evidence presented after appointment.

The Hearing Officers shall issue their own Finding, which shall adjudicate the complaint as substantiated, partially substantiated, or not substantiated with a detailed explanation of the reasoning for the adjudication.

4. Conclusion of Investigation

If no hearing is held, the Investigator will send their Finding to the Foundation Chair and the Foundation’s Executive Director. If a hearing was held, then the Hearing Officers shall send their Finding to the Foundation Chair and the Foundation’s Executive Director which Finding will supersede any Finding by the Investigator.

If the Foundation Chair was herself or himself the subject of the investigation or if the Foundation Chair has felt the need to recuse, the Finding will be delivered to the Foundation Vice Chair and the Foundation’s Executive Director. In the event that the Executive Director

was the subject of the complaint, the Executive Director shall not participate in the process from this point forward except as the Foundation Chair or Vice Chair may deem appropriate and/or necessary.

Within a reasonable time after receiving the Finding, the Foundation Chair and Foundation's Executive Director shall consult with such other persons as they deem advisable before communicating with either the complainant or the respondent. Such consultation might include, but not be limited to: relevant program chairs, chairpersons of one or more committees, caucuses or sections, Officers of the NJAJ Executive Committee, Foundation legal counsel, staff, Past Presidents of NJAJ, or Foundation Trustees.

5. Imposition of Consequences for Violations

The Foundation Chair shall have sole discretion as to whether or not to impose consequences in the event that the complaint is substantiated or partially substantiated. This discretion shall be exercised with full faith and allegiance to the Policy, to the NJAJ Statement of Mission and Values, and with a sense of fundamental fairness. Even if a complaint is substantiated, a Foundation Chair may find one or more extenuating or other circumstances upon which the Foundation Chair may decide not to impose consequences. If NJAJ held an independent investigation and hearing on the same matter, the Foundation Chair has the power to reach a decision independent from NJAJ.

The Foundation Chair shall either communicate personally with the complainant and respondent or shall request staff or another officer to do so. This communication shall advise that the investigation was conducted, that it was concluded, that the complaint was either substantiated, partially substantiated, or not substantiated, and that consequences will be imposed, if appropriate. Disclosure of the nature of the consequences to the complainant shall be in the sole discretion of the Foundation Chair.

6. Appeals of Decisions

In the event that the Foundation Chair decides not to impose consequences, the complainant has the right, within 30 days of being advised of same, to make a written appeal, which shall be heard and decided by the Foundation Trustees within 30 days of receipt of such appeal.

As well, any person or persons upon whom consequences have been imposed may also make such an appeal within the time limits set forth above, and which shall be decided in the manner set forth above.

Absent such an appeal by either a complainant or by a person subject to consequences, the decision of the Foundation Chair set forth above shall be final and shall conclude the complaint. In the event of an appeal, the decision of the Board of Trustees shall be final and shall conclude the complaint.

Foundation headquarters will retain records of any complaint, investigation, conclusion, appeal, and closure for a time period consistent with normal business practice.

7. Consequences for Violations

The Foundation Chair has discretion to impose consequences befitting an instance of a substantiated or partially substantiated Policy violation. In determining what consequence to impose, the Foundation Chair shall consider evidence of the offender's intent, the level of offensiveness, whether threats of violence or actual physical violence occurred, the existence of any past offenses, how the consequence imposed reflects upon the Foundation, and whether remedial measures, such as sensitivity or diversity training, would be appropriate.

8. Petition for Reinstatement Of Privileges

After a period of 5 years, a person subject to the consequence of a permanent suspension from Foundation activities may make written application to the Foundation for reinstatement of privileges, which shall be decided by the Foundation Board of Trustees within 90 days of receipt of same. The Foundation Board of Trustees has total discretion as to whether to allow such reinstatement of privileges, and whether to impose further conditions upon such.

D. Confidentiality

All complaints, records of receipt and discussion of same, investigations concerning same, deliberations and conclusions respecting same, and communications regarding same, shall be, at all times, kept confidential by those privy to same, including complainant(s) and subject(s) of same, as well as NJAJ and/or Foundation staff, NJAJ and/or Foundation officers, and any other persons made privy by same.

Witnesses interviewed during any investigation in which the Foundation participates shall be advised of this section of the Policy and requested to honor same.

Any language in an NJAJ by-law inconsistent with this subsection shall control.