



Setting the Standards for
Home Energy Efficiency

RESNET Administrative Policies Manual

Administrative Policies Adopted by the RESNET Board of Directors

Updated April 17, 2019

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RESNET Board Policy 001
Submitting Proposals for Contracts and Grants
Adopted by the RESNET Board – May 16, 2003

The RESNET Executive Director is authorized to submit and enter into contracts and agreements that fit within the goals established by the RESNET Board.

RESNET Board Policy 002
Amendment of RESNET Annual Budget
Adopted by the RESNET Board – February 29, 2004

The RESNET Executive Director, President, and Treasurer may modify the annual RESNET budget by a maximum of 5%. Any increases or modifications of over 5% would require full board approval.

RESNET Board Policy 003
Establishment of RESNET Standing Committees

Updated – August 18, 2014

All standing Committee chairs shall be appointed by and be current members of the RESNET Board of Directors, all Committee members shall be appointed by their respective Committee chair.

The RESNET subcommittees authorized by the RESNET Board are:
Ethics and Appeals Committee

Scope: Adjudication recommendations on ethics, disciplinary, and challenge issues
Charge: Chapter 9 of RESNET Standards regarding discipline and appeals.
Accreditation Committee

Scope: The committee will be responsible for approving applications for accreditation.

The committee composition, term limits, and caps will be established, and the committee will have members representing “general”, users of the standards, and related industry and government.

RESNET Board Policy 004
RESNET Financial Compilations

Updated November 3, 2017

The RESNET controller will annually complete a financial compilation to be submitted to the RESNET Board.

RESNET Board of Directors voted to require an annual audit by a third-party certified public accountant and that the audit firm be re-bid at a minimum of every three years.

RESNET Board Policy 005
Authorization of Payments

Adopted by the RESNET Board – February 27, 2005

The Board of Directors' President, Vice President, Treasurer and the RESNET Executive Director are authorized to approve payments in the amount of less than \$10,000.00. Payment authorizations in the amount above \$10,000 must be signed by two of the board directors.

RESNET Board Policy 006
RESNET Board of Directors Anti-Trust Policy

Adopted by the RESNET Board – August 12, 2005

Residential Energy Services Network (RESNET) Anti-Trust Policy

The Residential Energy Services Network (RESNET) has two primary responsibilities:

- Setting the standards for the quality of rating services
- Support the growth of rating services infrastructure nationally

It is the policy of RESNET that in carrying out these activities, the organization will not restrict fair and open competition and will not violate the provisions of antitrust laws.

RESNET, conscious of the potential antitrust problems, inherent in setting the standards for the quality of rating services, adopts a policy that RESNET "shall not directly or indirectly restrict free and lawful competition." To ensure strict compliance with the antitrust laws, the RESNET Board of Directors has adopted a RESNET Antitrust Policy for staff, directors, committees and its membership. These clearly defined statements of conduct must always be kept in mind, and all organization meetings and other activities shall be conducted in accordance therewith.

Section 1 of the Sherman Antitrust Act and Section 5 of the Federal Trade Commission Act prohibit "contracts, combinations or conspiracies in restraint of trade and unfair methods of competition in commerce...."

One of the clearest antitrust violations an organization can commit is an agreement by its members to set prices at a fixed level. Such an agreement is a per se violation of the antitrust laws, even if the prices set are reasonable or the ends sought are worthy. Similarly, terms and conditions of sale which affect the buyer should not be discussed. These include discounts, terms of service warranties and other individual policies followed in dealing with customers. Informal understandings and planned courses of action on these subjects by competitors also clearly are forbidden.

Administrative or disciplinary action against member companies or organizations, or the expulsion of members companies, may result in economic injury to the affected members and, thus, may constitute an illegal boycott or restraint of trade. Therefore, these sensitive areas must be discussed in accordance with strictly defined guidelines and only in the presence of the executive director.

Frequently, an organization engages in the voluntary development of industry standards. Antitrust problems will arise if the standard developed is designed to

advance the economic interests or operates as a marketing advantage for some members to the detriment of others.

Statistical reporting is another common organization sponsored activity. However, since some associations and their members have used these activities in the past to further price-fixing and monopolistic schemes, statistical reporting projects must be conducted with great care in order to conform with clearly defined rules regarding the collection and dispersal of confidential product information.

Antitrust problems also may arise when organizations become involved in industry-wide research and development programs. When pooling of results exists, organization sponsored joint research and development activities may injure competition by diluting the competitive pressures to innovate.

Another area of potential antitrust infraction involves organization sponsored efforts to petition government agencies for action which may have an adverse economic impact on some competing companies. A delicate balance always must be maintained between the First Amendment right to petition government and the antitrust laws' prohibition against restraint of trade. The First Amendment does not protect parties which seek to prod government agencies into imposing trade restrictions by misleading them or by engaging in other dishonest activities. Any effort designed to injure industry competitors clearly is prohibited.

The proper conduct of RESNET meetings requires an understanding and conscious awareness by all of antitrust implications. Your non-participation in the discussions' pro and con may not protect you if, out of such discussions at a meeting you attend, any agreement in restraint of trade originates. However, no imputed unlawful purpose can arise if conscious independent and individual judgment is exercised and no illegal common course of action is pursued.

To assist in avoiding antitrust problems at RESNET meetings, a list of four DON'TS has been prepared. You should read and remember these four basic rules. **BE ALERT AND KEEP INFORMED.** Antitrust laws are wide ranging, complex, and subject to changing interpretation. Consult your company's lawyer or the RESNET executive director immediately if you have any questions about the legality of any proposed organization action.

RESNET ANTITRUST DON'TS

1. DON'T discuss the prices your company will charge customers.
2. DON'T discuss discounts, terms, or conditions of sale, warranty terms, profits or profit margins, shares of the market, bids or the intent to bid, rejection or termination of customers, sales territories or markets.
3. DON'T discuss administrative or disciplinary action by RESNET against a particular member, or enforcement of RESNET's Code of Ethics, in the absence of specific guidance.
4. DON'T propose or discuss any proposal or engage in any activity, which is intended to have the effect of producing an adverse economic impact on some competing companies.

RESNET Board Policy 007
RESNET Staff Quality Assurance Non-Disclosure Agreement
Adopted by the RESNET Board – February 26, 2006

RESNET staff must sign the following non-disclosure agreement prior to a quality assurance monitoring of an accredited rating provider:

Residential Energy Services Network Staff Quality Assurance Monitoring Nondisclosure Agreement

I agree to use the information revealed during the rating provider quality assurance monitoring reviews only for RESNET assessment purposes and to treat the information which is confidential in nature in confidence.

If, in the course of a quality assurance review of a rating provider, I do acquire or have access to any information, data, or material which the rating provider identifies as confidential, proprietary, or otherwise privileged (collectively, "Information"), I agree that such Information will not be divulged to any person or any organization or utilized for my own private purposes or in any manner whatsoever, other than in the performance of a quality assurance review without the prior written permission of the disclosing rating provider, unless the Information:

1. is or becomes known to the public from a source other than me, or
2. is already known to me or my employer as shown by prior records, whichever event shall first occur, or
3. is required to be disclosed through a subpoena or other court ordered disclosure.

I agree to report any disclosure (authorized or inadvertent) to the Rating Provider where the information disclosed was discovered.

I recognize that an unauthorized disclosure of above information may lead to termination of my position as a Staff Quality Assurance Monitor.

(Signature)

(Signature)

(Name) Printed or Typed

Board President

(Date)

(Date)

RESNET Board Policy 008
Investment of RESNET Funds

Adopted by the RESNET Board – February 20, 2007

The RESNET Executive Director is authorized to enter into a short term money market fund as part of RESNET's Union Bank of California accounts where excess funds in the RESNET checking account would be swept. The RESNET Executive Committee would vote on which money market funds be directed to. After approval of the Executive Committee the Executive Director could set up the account.

RESNET Board Policy 009
Fee Payment Policy for Providers
 Updated October 30, 2017

Accreditation Renewal:

RESNET standards require accredited Providers to submit a renewal application and pay their respective renewal fee by the end of each calendar year.

Accreditation renewal notices will be sent to providers through email at the beginning of September of each year, which allows sufficient time to comply with RESNET standards for accreditation renewal. It is the responsibility of Providers to verify that RESNET has the current email and mailing address prior to August 30th each year.

Notice for renewal of accreditation is sent out on September 1.

All Provider accreditation renewal applications and accreditation fees are due by October 31st each year for all Providers who plan to continue with their accreditation for the following year.

	Due: October 31	November 1	December 1	January 1
Accreditation Renewal	Renewal application and fees	\$500.00 Late Fee	\$750.00 Late fee	Officially Non-Renewed Removed from Website and Registry

Rating Provider Quality Assurance Quarterly Fees:

Beginning in 2017, Rating Providers will be charged \$7.50 per rating registered in the RESNET National Registry. Rating Providers will be emailed invoices quarterly based on the number ratings registered into the RESNET National Registry during the previous quarter.

A late fee of \$100.00 will be assessed on those not received by due date.

Quarterly Surcharges	Q1	Q2	Q3	Q4
Invoices sent	April 7	July 7	October 7	January 7
Due Date	May 15	August 15	November 15	February 15

General Information:

Past due invoices can place any or all providerships in jeopardy of being non-renewed or other disciplinary actions up to and including revocation.

In all cases, all levels of status can be appealed by the Provider following the provisions of section 912 of the RESNET standards.

RESNET Board Policy 010
RESNET Document Retention and Destruction Policy

Adopted by the RESNET Board February 27, 2011

I. Purpose

In accordance with the Sarbanes-Oxley Act, which makes it a crime to alter, cover up, falsify, or destroy any document with the intent of impeding or obstructing any official proceeding, this policy provides for the systematic review, retention and destruction of documents received or created by RESNET in connection with the transaction of corporation business. This policy covers all records and documents, regardless of physical form, contains guidelines for how long certain documents shall be kept and how records shall be destroyed. The policy is designed to ensure compliance with federal and state laws and regulations, to eliminate accidental or innocent destruction of records and to facilitate RESNET's operations by promoting efficiency and freeing up valuable storage space.

II. Document Retention

RESNET follows the document retention procedures outlined below. Documents that are not listed, but are substantially similar to those listed in the schedule will be retained for the appropriate length of time.

III. Corporate Records

Annual Reports to Secretary of State/Attorney General	Permanent
Articles of Incorporation	Permanent
Board Meeting and Board Committee Minutes	Permanent
Board Policies/Resolutions	Permanent
By-laws	Permanent
Construction Documents	Permanent
Fixed Asset Records	Permanent
IRS Application for Tax-Exempt Status (Form 1023)	Permanent
IRS Determination Letter	Permanent
State Sales Tax Exemption Letter	Permanent
Contracts (after expiration)	7 years
Correspondence (general)	3 years
Accounting and Corporate Tax Records	7 years
Annual Audits and Financial Statements	Permanent
Depreciation Schedules	Permanent
General Ledgers	Permanent
IRS 990 & State Information Tax Returns	Permanent
Business Expense Records	7 years

IRS 1099s	7 years
Journal Entries	7 years
Invoices	7 years
Sales Records (box office, concessions, gift shop)	7 years
Petty Cash Vouchers	5 years
Cash Receipts	5 years
Credit Card Receipts	5 years
Bank Records (Statements & Reconciliations)	7 years
Check Registers	Permanent
Bank Deposit Slips	7 years
Electronic Fund Transfer Documents	7 years
Payroll and Employment	Tax Records
Payroll Registers	Permanent
State Unemployment Tax Records	Permanent
Earnings Records	7 years
Garnishment Records	7 years
Payroll Tax returns	7 years
W-2 Statements	7 years
Employee Records	
Employment and Termination Agreements	Permanent
Retirement and Pension Plan Documents	Permanent
Records Relating to Promotion, Demotion or Discharge	7 years after termination
Accident Reports and Worker's Compensation Records	5 years
Salary Schedules	5 years
Employment Applications	3 years
I-9 Forms	3 years after termination
Time Cards	2 years
Donor Records and Acknowledgement Letters	7 years
Grant Applications and Contracts	5 years after completion
Legal, Insurance and Safety Records	
Appraisals	Permanent
Copyright Registrations	Permanent
Environmental Studies	Permanent
Insurance Policies	Permanent
Real Estate Documents	Permanent
Stock and Bond Records	Permanent
Trademark Registrations	Permanent

Leases	6 years after expiration
OSHA Documents	5 years
General Contracts	3 years after termination

IV. Electronic Documents and Records

Electronic documents will be retained as if they were paper documents. Therefore, any electronic files, including records of donations made online, that fall into one of the document types on the above schedule will be maintained for the appropriate amount of time. If a user has sufficient reason to keep an email message, the message should be printed in hard copy and kept in the appropriate file or moved to an “archive” computer file folder. Backup and recovery methods will be tested on a regular basis.

V. Emergency Planning

RESNET’s records will be stored in a safe, secure and accessible manner. Documents and financial files that are essential to keeping RESNET operating in an emergency will be duplicated or backed up at least every week and maintained off site.

VI. Document Destruction

RESNET’s controller is responsible for the ongoing process of identifying its records, which have met the required retention period and overseeing their destruction. Destruction of financial and personnel-related documents will be accomplished by shredding.

Document destruction will be suspended immediately, upon any indication of an official investigation or when a lawsuit is filed or appears imminent. Destruction will be reinstated upon conclusion of the investigation.

VII. Compliance

Failure on the part of employees to follow this policy can result in possible civil and criminal sanctions against RESNET and its employees and possible disciplinary action against responsible individuals. The chief financial officer and finance committee chair will periodically review these procedures with legal counsel or the organization’s certified public accountant to ensure that they are in compliance with new or revised regulations.

RESNET Board Policy 011
RESNET Conflict of Interest Policy
Updated on April 17, 2019

CONFLICT OF INTEREST POLICY
of
Residential Energy Service Network, Inc.
a California Nonprofit Public Benefit Corporation

ARTICLE I. INTRODUCTION AND PURPOSE

Residential Energy Service Network, Inc. (the “Company”) requires its directors and officers, as well as its employees and contractors who may influence the activity of the Company or who control more than ten percent of the Company's revenue or expenses, to observe high standards of integrity and business and personal ethics in the conduct of their duties and responsibilities. In particular, Interested Persons* are expected to avoid activities or conduct that involve a conflict of interest or even the appearance of a conflict of interest.

The Board of Directors (the “Board”) of the Company is entrusted with resources devoted to the Company's tax-exempt purposes. This includes ensuring that the Company does not engage in conduct that can jeopardize its financial stability, public support and tax- exemption. Therefore, the Board has adopted this Conflict of Interest (the “Policy”). The purpose of this Policy is to protect the Company's interest when it contemplates entering into a transaction or arrangement that might benefit the private interest of an Interested Person, any other person in a position of authority within the Company, or any person related to such persons by blood, marriage or certain common business ownership. It also covers any transaction with another entity in which such a person is an officer or director.

Note that not all such transactions are impermissible. The Policy details the procedure the Board is to follow whenever such a transaction may be encountered. The procedures guide the Board in determining in which circumstances such transactions may be permissible and when approval by the Board is required before entering into such transactions.

The Company strives to avoid conflicts of interest. Failure to do so can jeopardize its tax- exempt status, damage its relationship with constituents, and result in personal liability to the Company's directors. This Policy is intended to supplement but not replace any state

and federal laws governing conflicts of interest applicable to nonprofit and charitable organizations.

*For definition of Interested Person go to Section 1

ARTICLE II. DEFINITIONS

Section 1. Interested Person.

Any director, officer or employee of the Company who has a direct or indirect financial interest in any transaction of the Company is an Interested Person. Also, Interested Persons are any third party, whether or not a contractor to the Company, and whether a person or entity:

- a) That supplies goods or services to the Company;
- b) From whom the company leases property or equipment;
- c) With whom the company is dealing or planning to deal in connection the gift, purchase or sale of real estate, securities, or other property;
- d) That is a competitor or affinity organization to the Company;
- e) Who is a donor or other supporter of the Company; and
- f) That is an agency, organization or association that affects the operations of the Company.

Finally, any person who is related by blood or marriage, including by adoption, to any such person, or any person or persons who in the aggregate own more than 35% of the profit, voting or beneficial interest of any such entity, are Interested Persons.

Section 2. Conflict of Interest. As set forth in the second paragraph, above, a "conflict of interest" is a situation in which a transaction of the Company benefits the private interest of an Interested Person, any other person in a position of authority within the Company, or any person related to such persons by blood, marriage or certain common business ownership. It also covers any transaction with another entity in which such a person is an officer or director.

Conflicts of interest may be direct or indirect. A direct conflict can arise where an Interested Person has a personal or financial interest in any matter or transaction involving the Company or has a financial or agency relationship (i.e., is a director, officer, manager, partner, associate, trustee or has a similar agency relationship) with an entity involved in a transaction or other business with the Company.

An indirect conflict can arise where a person related to an Interested Person by business affiliation (e.g., collective ownership or voting interest by all Interested Persons of 5% or

more of any business) or by blood or marriage (i.e., a spouse, parents-in-law, ancestors, siblings (whether whole or half-blood), children (whether natural or adopted), grandchildren, great-grandchildren, and spouses of brothers, sisters, children, grandchildren, and great-grandchildren, hereafter "Family Members") has dealings with the Company. By way of example, an Interested Person has a financial interest if such person has, directly or indirectly, through business, investment or a Family Member:

- a) An ownership or investment interest in any entity with which the Company has a transaction or arrangement.
- b) A compensation arrangement with the Company or with any entity or individual with which the Company has a transaction or arrangement. Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.
- c) A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Company is negotiating a transaction or arrangement.

Section 3. Duty of Loyalty of Interested Persons. The duty of loyalty is a statutory requirement that a director or other Interested Person always make the best interests of the Company paramount. There is no exception to this duty. As a matter of law, an Interested Person can be required to reimburse the Company for any benefit he or she receives, or any harm caused to the Company arising from his or her violation of the duty of loyalty.

The duty of loyalty requires that any Interested Person who may be involved in a potential conflict of interest situation, or becomes aware of one, bring it to the attention of those designated under the disclosure procedures in Article III. The duty of loyalty requires that an Interested Person not make the decision about whether a conflict of interest exists unilaterally.

Section 4. Potential Conflicts of Interest. Acts that mix the personal or financial interests of an Interested Person with the interests of the Company are indicative of a conflict of interest. However, not every potential conflict of interest is an actual conflict of interest. As an entity intimately involved in public activity and that works with public agencies, it is the policy of the Company to avoid potential and actual conflicts of interest, as well as the appearance of conflicts.

As a matter of policy and law, an Interested Person is neither capable nor competent to assess whether any activity or conduct in which he or she may engage constitutes an actual conflict of interest. It also is important to note that acts that give the appearance of a conflict of interest can be damaging to the reputation of the Company even if they do not constitute an actual conflict of interest.

Section 5. “Self-Dealing” Transactions of Directors. Self-dealing transactions are defined by Section 5233 of the California Corporations Code and are a type of conflict of interest transaction. A self-dealing transaction is any transaction in which a director has a material financial interest (an “interested director”).

Exempt from the definition of self-dealing transactions are: (i) approval of an action fixing the compensation of a director as a director or officer; (ii) good faith approval, without unjustified favoritism, of a charitable program of which a director or a director’s family member(s) are among the intended beneficiaries; and (iii) a transaction about which an interested director had no actual knowledge involving an amount that does not exceed the lesser of one percent of the gross receipts of the Company for the preceding fiscal year or \$100,000.

Section 6. Examples. The following is a non-exclusive list of the types of activities that may present a conflict of interest:

- a) Participation by an Interested Person in decisions or negotiations related to a contract, transaction or other matter between the Company and: (i) the Interested Person; (ii) an entity in which the Interested Person or a Family Member of such person has financial interest; or (iii) an entity with which the Interested Person has an agency relationship.
- b) Having a direct or indirect significant financial or other interest in, or financial or other relationship with, any competitor, customer, vendor or supplier of the Company. (What constitutes a “significant” interest or relationship will depend upon the specific factual situation; however, an interest of less than one percent of any publicly held company shall not be considered a “significant” interest.)
- c) Competing directly or indirectly with the Company.
- d) Use of the Company’s resources (for example, staff, contracts, donor lists, or name) for personal purposes of the Interested Person or a Family Member of such person.
- e) Unauthorized disclosure or use of the Company’s confidential or proprietary information or trade secrets.
- f) Acceptance or solicitation of gifts from any person or company having or seeking a business relationship with the Company.
- g) Participation in activities or conduct that conflict or are inconsistent with any activity of the Company, or that would cause a reasonable person to believe that the Interested Person’s judgment, loyalty or objectivity might be influenced in a way that is adverse to the Company’s interests.
- h) Involvement in any political activities without making clear that such involvement is personal and not based upon the Interested Person’s affiliation with the Company.

ARTICLE III. PROCEDURES TO DISCLOSE AND RESOLVE CONFLICTS

Section 1. Duty to Self-Disclose. An Interested Person has an affirmative duty to disclose all material facts, including the existence of any financial interest, at any time that any actual or potential conflict of interest situation arises. If an Interested Person becomes aware of any potential self-dealing or common directorship transaction or other conflict of interest involving another Interested Person, he or she should report it in accordance with the requirements of this Article III.

This disclosure obligation includes instances in which an Interested Person knows of the potential for a self-dealing transaction as described in Section 4 of Article II, or a transaction involving common directorship as described in Section 6 of this Article III. It also includes instances in which the Interested Person plans not to attend a meeting of the Board (or a Board committee with governing board-delegated powers, referred to as a "Committee") at which he or she has reason to believe that the Board or Committee will act regarding a matter about which he or she may have a conflict. This disclosure shall be made to the President of the Board, or, if the potential conflict of interest first arises in the context of a Board or Committee meeting, the entire Board or the members of the Committee considering the proposed transaction or arrangement that relates to the actual or possible conflict of interest.

Section 2. Annual Conflict Disclosure Report. All Interested Persons shall, in accordance with Article VI, make an annual disclosure of ongoing relationships and interests that may present a conflict of interest.

Section 3. Evaluation of Potential Conflict.

- a) After disclosure of all material facts and any follow-up discussion with the Interested Person with a potential conflict of interest, a determination must be made about whether a material financial interest, self-dealing transaction or other kind of actual conflict exists. If the potential conflict is first disclosed during a Board or Committee meeting at which the Interested Person with the potential conflict is in attendance, the Interested Person shall leave the meeting while the determination of whether a conflict of interest exists is either discussed and voted upon or referred to Committee for further consideration.

In either event, the decision-making body will evaluate the disclosures by the Interested Person and will determine on a case-by-case basis whether the disclosed activities constitute an actual conflict of interest. If the disclosure is made outside of the context of a meeting, then the determination of whether a conflict exists will be referred the Executive Committee for decision and action. Factors the decision-making body may consider when determining whether an actual conflict exists include (i) the proximity of the Interested Person

to the decision-making authority of the other entity involved in the transaction, (ii) whether the amount of the financial interest or investment is de minimis relative to the overall financial situation of the Company, and (iii) the degree to which the Interested Person might benefit personally if a particular transaction were approved.

- b) If it is determined that an actual conflict of interest exists that also constitutes a “self-dealing” transaction as described in Section 4 of Article II, then the transaction or matter in question may only be authorized if approved by the vote described in Section 5(a) of this Article III after the Company has followed the procedures set forth in Section 4 of this Article III.
- c) If it is determined that an actual conflict of interest exists that is not a “self-dealing” transaction, but involves participation by the Interested Person in decisions or negotiations related to a material contract, transaction or other matter between the Company, on the one hand, and (i) the Interested Person, (ii) an entity in which the Interested Person or a Family Member of such person has financial interest, or (iii) an entity with which the Interested Person has an agency relationship, on the other hand, then the matter in question may only be authorized if approved by the vote described in Section 5(b) of this Article III after the Company has followed the procedures set forth in Section 4 of this Article III.
- d) In all other circumstances where it is determined that an actual conflict of interest exists, the decision-making body will recommend an appropriate course of action to protect the interests of the Company. All disclosures and the outcome of the deliberation about whether a conflict of interest exists will be recorded in the minutes of the appropriate deliberative meeting.

Section 4. Procedures for Addressing a Conflict of Interest. Prior to voting on a contract, transaction or matter in which an actual conflict of interest is found to exist, the Board will follow the procedures described in this Section.

- a) The Interested Person may make a presentation at the Board meeting at which such transaction is being considered, but after the presentation, he or she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
- b) The Chairperson of the Board shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- c) After exercising due diligence, the Board shall determine whether the Company could obtain with reasonable efforts a more advantageous transaction or arrangement under the circumstances from a person or entity that would not give rise to a conflict of interest.
- d) If a more advantageous transaction or arrangement under the circumstances is not reasonably possible, the Board or Committee must determine whether the transaction or arrangement is in the Company’s best interest, will be entered into

for its own benefit, and whether it is fair and reasonable. In conformity with the above determination, the Board shall make its decision as to whether to enter into the transaction or arrangement by the vote described in Section 5.

Section 5. Vote Required for Approval of Conflict Transaction.

- a) A self-dealing transaction must receive prior approval by a vote of a majority of the directors in office, without counting the vote of any interested director, and with knowledge of the material facts of the transaction and the involved director's interest.
- b) A transaction in which an actual conflict of interest exists but is not a self-dealing transaction must receive prior approval by a majority vote of the disinterested directors members present at a meeting at which a quorum is present.

Section 6. Interlocking Directorships. Section 5234 of the California Corporations Code permits transactions between corporations having common directors so long as all material facts regarding the transaction and the relevant directorships are known to the respective boards of directors, and the matters are approved in good faith by a vote sufficient without counting the vote of the common director(s). Such transactions are not self-dealing transactions subject to Section 3 of Article III.

Section 7. Violations of the Conflict of Interest Policy.

- a) If the Board has reasonable cause to believe that an Interested Person has failed to disclose actual or possible conflicts of interest, it shall inform the Interested Person of the basis for such belief and afford the Interested Person an opportunity to explain the alleged failure to disclose.
- b) If, after hearing the Interested Person's response and after making further investigation as warranted by the circumstances, the Board determines the Interested Person has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

ARTICLE IV. RECORDS OF PROCEEDINGS

The minutes of the Board meeting convened to consider a transaction subject to the mitigating procedures described in Article III shall contain:

- a) The names of the Interested Persons who disclosed or whom otherwise were found to have a financial or other interest in connection with an actual or possible conflict of interest, the nature of the financial or other interest, any action taken to determine whether a conflict of interest was present, and the Board's decision as to whether a conflict of interest in fact existed.

- b) The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

ARTICLE V. COMPENSATION

Section 1. A director who receives compensation, directly or indirectly (e.g., if the compensation is paid to a Family Member of the director), from the Company for services, whether as an employee or otherwise, is precluded from voting on matters pertaining to that director's compensation.

Section 2. A voting member of any Committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Company for services is precluded from voting on matters pertaining to that member's compensation.

Section 3. No voting member of the Board whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly from the Company, either individually or collectively, is prohibited from providing information to any Committee regarding compensation.

ARTICLE VI. ANNUAL STATEMENTS

Each person subject to this Policy shall annually sign a statement on the conflict of interest disclosure form ("Conflict of Interest Disclosure Form," attached as **Schedule 1**) or such other form as the Board adopts, which at a minimum affirms that such person:

- a) Has received a copy of the Policy;
- b) Has read and understands the Policy;
- c) Has agreed to comply with the Policy; and
- d) Understands the Company is charitable and that in order to maintain its federal tax exemption, it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

In addition, Interested Persons shall make an annual disclosure of ongoing relationships and interests that may present a conflict of interest. Disclosures should address current affiliations, as well as past affiliations for the prior two years. Conflict of interest disclosure forms will be submitted to the Deputy Director if an employee and to the President if a Director or Officer. All reported conflicts are disclosed to the Board at each meeting, and when appropriate, at or prior to action on relevant business transactions.

ARTICLE VII. PERIODIC REVIEWS

Section 1. To ensure the Company operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

- a) Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining; and
- b) Whether partnerships, joint ventures and arrangements with management companies conform to the Company's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes, and do not result in inurement, impermissible private benefit or in an excess benefit transaction.

Section 2. This periodic compensation review shall be in addition to the Board's statutory obligation to periodically review the fairness of compensation, including benefits, paid to the Executive Director (i) once such officer is hired; (ii) upon any extension or renewal of the officer's term of employment; and (iii) when the officer's compensation is modified (unless all employees are subject to the same general modification of compensation).

ARTICLE VIII. USE OF OUTSIDE EXPERTS

When conducting the periodic reviews as provided for in Article VII, the Company may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the Board of the responsibilities for ensuring periodic reviews are conducted.

ARTICLE IX. CODE OF ETHICAL CONDUCT

Section 1. Code of Ethical Conduct. In conducting business and activities which are connected with the Company, an Interested Person shall follow these guidelines:

- a) **Ethical Conduct.** Be honest and ethical in his or her conduct, including ethical handling of actual or apparent conflicts of interest between personal and professional relationships. An Interested Person shall not engage in activities that have or may have the appearance of impropriety or conflict of interest, or that may call into question the actions or integrity of the Company, or of the Interested Person as he or she relates to the Company.
- b) **Legal Compliance.** Comply with applicable laws and regulations, including the California Nonprofit Integrity Act of 2004, and report his or her concerns to the appropriate person listed in Article III if it appears that any other Interested

Person is not complying with applicable laws or regulations with respect to the Company's business.

- c) **Confidentiality.** Maintain the confidentiality of all internal information about the Company, including its donors, clients and beneficiaries, except when authorized or otherwise legally obligated to disclose such information.
- d) **Fair Dealing.** Deal fairly with the Company's staff, donors, volunteers, beneficiaries, and suppliers.
- e) **Protect Assets.** Protect and ensure the proper use of the Company's assets, including its name, goodwill, donor community, and reputation.
- f) **Personal Influence.** Be mindful of the interaction between his or her relationships inside and outside of the Company and not allow inappropriate personal influence over the affairs of the Company.
- g) **Commitments.** Do not "speak for" the Company or make or imply commitments by the Company without proper internal authorization and communication.
- h) **Loans.** The Company may not make loans to Interested Persons. No Interested Person shall approach the Company about extending a loan to him or her.

CONFLICT OF INTEREST POLICY AND CODE OF ETHICAL CONDUCT

SCHEDULE 1: CONFLICT OF INTEREST DISCLOSURE FORM 2019

Notice to RESNET directors, officers and employees.

This form is to initially be submitted upon your acceptance of election/appointment as a member or officer of the Board of Directors or as an employee of Residential Energy Services Network, Inc. (the "Company"). You are further required to re-submit this form each year thereafter that you serve as a director, officer or employee of the Company as well as each time you or an immediate family member receives a personal financial benefit or has any other interest in a transaction resulting from your position as a member or officer of the Board of Directors or as an employee of the Company. Further, by signing this Disclosure Form, you are warranting and representing that you have received and have read, reviewed and understood the Bylaws and policies of the Company, including but not limited to the Conflict of Interest Policy of the Company.

This conflict of interest questionnaire is designed to help directors, officers, and employees of RESNET identify situations that present potential conflicts of interest and to provide RESNET with a procedure that, if observed, will allow a transaction to be treated as valid and binding even though a director, officer, or employee has or may have a conflict of interest with respect to the transaction. In the event there is an inconsistency between the requirements and the procedures of RESNET's Conflict of Interest Policy, and those in federal or state law, the law shall control.

Conflict of Interest Defined. For purposes of this questionnaire, the following circumstances shall be deemed to create Conflicts of Interest:

A. Outside Interests.

- (i) A Contract or Transaction between RESNET and a Responsible Person or Family Member.
- (ii) A Contract or Transaction between RESNET and an entity in which a Responsible Person or Family Member has a Material Financial Interest or of which such person is a director, officer, agent, partner, associate, trustee, personal representative, receiver, guardian, custodian, conservator, or other legal representative.

B. Outside Activities.

- (i) A Responsible Person competing with RESNET in the rendering of services or in any other Contract or Transaction with a third party.
- (ii) A Responsible Person's having a Material Financial Interest in; or serving as a director, officer, employee, agent, partner, associate, trustee, personal representative, receiver, guardian, custodian, conservator, or other legal representative of, or consultant to; an entity or individual that competes with RESNET in the provision of services or in any other Contract or Transaction with a third party.

Name:

Name of Employer:

Title with Employer:

Address:

Telephone Number (circle primary):

Home _____ Work: _____
Cell: _____

Email Address:

AT THIS TIME, I HAVE NOTHING TO DISCLOSE

OR

I am disclosing the following ongoing relationships and interests that may present a conflict of interest related to my position as a member or officer of the Board of Directors or as an employee of Residential Energy Services Network, Inc.*

*RESNET's Conflict of interest policy defines interests as:

Any director, officer or employee of the Company who has a direct or indirect financial interest in any transaction of the Company is an Interested Person. Also, Interested Persons are any third party, whether or not a contractor to the Company, and whether a person or entity:

- a) That supplies goods or services to the Company;
- b) From whom the company leases property or equipment;
- c) With whom the company is dealing or planning to deal in connection the gift, purchase or sale of real estate, securities, or other property;
- d) That is a competitor or affinity organization to the Company;
- e) Who is a donor or other supporter of the Company; and
- f) That is an agency, organization or association that affects the operations of the Company.

Finally, any person who is related by blood or marriage, including by adoption, to any such person, or any person or persons who in the aggregate own more than 35% of the profit, voting or beneficial interest of any such entity, are Interested

Persons.

(Responses should include interests of the individual, his/her spouse, and/or any dependent children.)

USE ADDITIONAL SHEETS FOR EACH ENTITY IN WHICH YOU HAVE A DISCLOSABLE INTEREST

Name of Entity or transaction in which you have an interest ("Entity"): _

Description of transaction in which you have an interest: _

Address of Entity: _

Principal Type of Business: _

Are you a director, officer, partner, trustee, or employee of the Entity? _____ YES NO

Do you have an investment of \$1,000 or more in the Entity? If so, how much?

_____ YES NO

Do you hold an equity position of 5% in the Entity? If so, what percentage?

_____ YES NO

Do you receive contingent compensation from the Entity? If so, please describe:

YES NO

Have you received a loan from the Entity for which the amount is outstanding? YES NO

Do you have an interest in any intellectual property rights? YES NO

Certification:

- I agree to update this disclosure to RESNET either on an annual basis, or as new reportable significant financial interests are obtained.
- I agree to cooperate in the development of a plan to address any actual or potential conflict of interest identified with RESNET via this Disclosure Form.
- I agree to comply with any conditions or restrictions imposed by RESNET to manage, reduce, or eliminate actual or potential conflicts of interest or forfeit the award. I further understand and agree that my violation of the Conflict of Interest Policy of the Company is grounds for disciplinary and corrective action.
- I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signed: _____ Date: _____

Name: _____

RESNET Board Policy 012 RESNET Whistleblower Policy

Adopted by RESNET Board- February 27, 2011

RESNET is committed to operating in furtherance of its tax-exempt purposes and in compliance with all applicable laws, rules and regulations, including those concerning accounting and auditing, and prohibits fraudulent practices by any of its board members, officers, employees, contractors, or volunteers. This policy outlines a procedure for a director, officers, employee, contractor or volunteer to report actions that he or she reasonably believes violates a law, or regulation or that constitutes fraudulent accounting or other practices. This policy applies to any matter which is related to RESNET's business and does not relate to private acts of an individual not connected with the business of RESNET.

If a director, officer, employee, or volunteer (for simplification, herein referred to as employee) has a reasonable belief that an employee or contractor of RESNET has engaged in any action that violates any applicable law, or regulation, including those concerning accounting and auditing, or constitutes a fraudulent practice, the individual is expected to immediately report such information to the Executive Director. If the individual does not feel comfortable reporting the information to the Executive Director, he or she is expected to report the information to the President of the RESNET Board of Directors.

All reports will be followed up promptly, and an investigation conducted. In conducting its investigations, RESNET will strive to keep the identity of the complaining individual as confidential as possible, while conducting an adequate review and investigation.

RESNET will not retaliate against an individual in the terms and conditions of employment because that employee: (a) reports to a supervisor, to the Executive Director, the Board of Directors or to a federal, state or local agency what the employee believes in good faith to be a violation of the law; or (b) participates in good faith in any resulting investigation or proceeding, or (c) exercises his or her rights under any state or federal law(s) or regulation(s) to pursue a claim or take legal action to protect the employee's rights.

RESNET may take disciplinary action (up to and including termination) against an employee who in management's assessment has engaged in retaliatory conduct in violation of this policy.

In addition, RESNET will not, with the intent to retaliate, take any action harmful to any employee who has provided, to law enforcement personnel or the court truthful information relating to the commission or possible commission by RESNET or any of its employees, a violation of any applicable law or regulation.

Supervisors will be trained on this policy and RESNET'S prohibition against retaliation in accordance with this policy.

RESNET Board Policy 013

Electronic Voting

Updated November 3, 2017

The RESNET Board has adopted the following procedures for RESNET electronic ballots:

- **Members are not to copy the rest of the board or the committee on their electronic ballot votes** – Electronic ballots shall stand on their own. Because electronic voting takes place over a number of days, copying other members with a vote and comments is seen as an undue influence on the electronic voting process. RESNET staff will send electronic ballots in a form that does not permit the reply to all option.

- **In order to give proper consideration to a member who votes in the negative on an electronic ballot, the following procedures will be followed:**
If a member (or members) votes in the negative on an electronic ballot and provides reason(s) for their negative vote - a reconsideration ballot will be circulated specifying the reason(s) for the negative ballot(s) allowing all members who voted a single opportunity to change their original vote. Members shall be given a minimum of 5 working days to respond to the reconsideration ballot. If members do not respond to the reconsideration ballot within the allotted time, their original vote shall stand.

RESNET Board Policy 014
Policy on Accessing and Sharing Data
in the RESNET National Buildings Registry

Adopted April 18, 2018

Purpose

The RESNET National Buildings Registry (Registry) contains data that is considered sensitive or confidential. For this reason, RESNET has developed the following policy for the accessing and sharing of data contained in the Registry.

Scope

This policy strictly governs the access to- and sharing of- data contained in the RESNET National Buildings Registry. This policy shall not be construed to apply to how RESNET Certified HERS Raters or RESNET Quality Assurance Providers share the data on their own databases.

Definitions

Accessing Data: For the purposes of this policy, accessing data shall refer to instances where RESNET authorizes an individual or organization with dynamic access to data or a subset of data contained in the Registry. Access may be provided through an API and/or a username and password. Access to data in the Registry is governed by RESNET's terms of use.

Energy Attributes: refers to the energy efficiency components of a home, including, but not limited to: insulation, fenestration, mechanical equipment and leakage testing results.

RESNET National Buildings Registry (Registry): shall refer to the database of HERS Rated homes developed and maintained by RESNET.

Sharing Data: For the purposes of this policy, sharing data shall refer to instances where an organization requests specific data from the Registry and RESNET provides such data in a static form, such as a spreadsheet.

Data Tiers

Please Note: RESNET currently provides a [webpage](#) where individuals can search for a HERS Rated home using a specific address. If the address has a confirmed or sampled HERS Rating, the HERS Index score, HERS Rating Company and rating date will be provided. RESNET also has a separate [webpage](#) to search for HERS Rating Companies; and a [webpage](#) to verify the certifications of HERS Raters and Rating Field Inspectors.

In order to streamline and clearly define the permissible access to- and sharing of- Registry data, RESNET has created the following data tiers, with increasing levels of sensitivity:

Tier 1- Public Data:

- For an individual home, where the street address is known, data in this tier shall include: HERS Index score, HERS Rating Company and Rating date.
- For an individual Certified HERS Rater, where the Rater's name is known, data in this tier shall include: The Rating Company, address, Rating Provider and current certification status.
- For an individual Certified Rating Field Inspector, where the field inspector's name is known, data in this tier shall include: The Rating Company, address, Recommending Rater, Certifying Provider and current certification status.
- Sharing of aggregate or bulk data in this tier shall include: HERS Index scores, Number of Certified HERS Raters, Number of Certified Rating Field Inspectors, Number of HERS Ratings, Average HERS Index scores at the national, state, zip code or climate zone level, Energy Star Certification (where available) and date of rating.

Tier 2- Building Data: Registry data in this tier shall include all data from Tier 1, plus information about building components, energy consumption, annual energy savings, housing type, conditioned floor area, year of construction, and ID number.

Tier 3- Sensitive Data: Registry data in this tier shall include all data from Tiers 1 and 2, plus the sharing of bulk home addresses, tied to individual ratings.

Accessing and Sharing Data in the Registry

RESNET receives dozens of requests for Registry data each year. Through these requests, RESNET has identified the following groups and organizations with whom Registry data may be shared or accessed, for the listed purpose:

Tier 1:

- Tier One data that cannot be obtained through RESNET's website may be provided to requesting organizations, upon the review and approval of the appropriate form by RESNET staff;
- HERS Index scores and HERS Rating Company information shall be available to the public for specific addresses for the purpose of verifying a HERS rating on an individual home;

Tier 2:

- Requests approved by RESNET for research purposes, may have data shared with that organization where determined by RESNET to be relevant to their research and in support of the mission of RESNET;
- Data may be distributed to the RESNET Supplier Advisory Board members at the discretion of the Executive Director to support the mission of RESNET. This data shall only be released in aggregate (not by specific address), and shall not be counter to the privacy interests of the parties of the rating, including Raters and Providers.

Tier 3:

- RESNET staff shall have access to all data in the Registry for quality assurance purposes;
- RESNET staff shall have access to data for research purposes that support RESNET's mission and goals;
- RESNET Quality Assurance Providers shall have access to the homes that they have entered into the Registry, for quality assurance purposes;
- Governmental and Utility Third-party Energy Efficiency Program Administrators shall have access to data on the homes participating in their programs for the purpose of verifying HERS Index Scores, estimated annual energy consumption and estimated annual energy savings;
- Multiple Listing Services (MLS) and MLS data providers, approved by RESNET, shall have access to home address, HERS Index score, estimated annual energy savings, estimated annual energy cost, rating date, HERS Rating Company, Energy Star Certification and Registry ID for the purpose of including this information in a real estate listing;
- Appraisal industry groups approved by RESNET shall have access to the Appraiser Portal which contains home address, HERS Index Score, Energy Star Certification, HERS Rating Company, estimated annual energy cost, estimated annual energy savings, builder name, year of construction and date entered into Registry for the purpose of using this information for the appraisal of a home;
- RESNET Energy Smart Builders shall have access to the HERS Index Scores, estimated annual energy savings and energy attributes for homes they constructed;
- Local Building Departments approved by RESNET shall have access to HERS Index scores, estimated annual energy savings and energy attributes for specific addresses for the purpose of verifying energy code compliance;
- Organizations conducting research on the valuation of HERS rated homes may have home addresses, HERS Index scores and rating dates shared with them for the purpose of using this data to determine market valuation or mortgage performance of HERS rated homes.

For Tier Three data requests, the RESNET Board shall approve the addition of any groups to those listed above and any modification to the purposes listed for each group.

Process for Approval

In order to provide for a streamlined and consistent process for obtaining Registry data, RESNET has created a form for each of the three data tiers. Organizations wishing to obtain data or access to data should expect the following for each tier of data:

- Organizations seeking Tier One data shall complete and submit the appropriate form to RESNET. Upon approval, the requested data will be shared.
- Organizations seeking Tier Two data shall complete and submit the appropriate form to RESNET. Upon approval of the request and the execution of all appropriate agreements, RESNET will share or provide access to the requested data.
- Organizations seeking Tier Three data shall complete and submit the appropriate form to RESNET. Upon approval of the request and the execution of all appropriate agreements, RESNET will share or provide access to the requested data.

At a minimum, each form will require the name and contact information for the requesting organization, the data fields being requested, the timeframe for data being requested, the intended use of the data, whether or not the data or a product developed from the data analysis will be sold or published and whether or not the requested data will be presented publicly.

Depending on the amount of data and the purpose for its use, RESNET reserves the right to charge a fee for the recovery of staff and contractor cost spent providing access to or generating reports for sharing the data. Any fee is only for the recovery of costs and is not a profit for RESNET.

Terms of Use

The access or sharing of data contained in the Registry may be subject to non-disclosure agreements, special terms of use or other agreements as determined by RESNET.

RESNET Board Policy 015

RESNET Sexual Harassment Policy

Adopted by the RESNET Board – April 17, 2019

Introduction

1. RESNET is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees/Board members/Contractors/Committee Members/Volunteers (in the remainder of this document, the term “employees” refers to this collective group) are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of RESNET’s commitment to a discrimination-free work environment. Sexual harassment is against the law¹ and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with RESNET. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

Policy:

1. RESNET’s policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors, Board members, committee members and persons conducting business, regardless of immigration status, with RESNET. In the remainder of this document, the term “employees” refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. RESNET will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of RESNET who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees paid or unpaid interns, or non-employees² working in the workplace who believe they have been subject to such retaliation should inform the RESNET Deputy Director or Staff One HR Manager. All employees, paid or unpaid interns or non-employees who believe they have been a

¹ While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. Such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

² A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, “gig” workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment is offensive, is a violation of RESNET policies, is unlawful, and may subject RESNET to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. RESNET will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. RESNET will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. RESNET will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Staff One HR Manager.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

What Is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;

- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York and other states laws protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker, Board member or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;

- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. RESNET cannot prevent or remedy sexual harassment unless it knows about it. Any employee paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to the RESNET Deputy Director or the Staff One HR Manager. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to the RESNET Deputy Director or the Staff One HR Manager.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee’s behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, **are required** to report such suspected sexual harassment to the Staff One HR Manager.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. RESNET will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Staff One HR Manager will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The basis for the decision and final resolution of the complaint, together with any corrective action(s).

- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

Instructions for Supervisors

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.



Sexual Harassment Complaint Form

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Staff One HR Manager at sue.rodzon@staffone.com. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

COMPLAINANT INFORMATION

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

Email

Phone

In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____ Date: _____

Legal Protections And External Remedies

Sexual harassment is not only prohibited by RESNET but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at RESNET, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

State Human Rights Law (HRL) (for New York Employees)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to RESNET does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

States other than New York

Many states have enacted Fair Employment Practice (FEP) laws which address and regulate sexual harassment on the state level. Attached to this policy is a listing of all known State Fair Employment Practices Agencies with contact information.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

State Fair Employment Practices Agencies

<p style="text-align: center;">ALABAMA FEPA</p> <p style="text-align: center;">Alabama Department of Human Resources Office of Equal Employment & Civil Rights 334-242-1550</p>	<p style="text-align: center;">MONTANA FEPA</p> <p style="text-align: center;">Dept. of Labor and Industry, Human Rights Commission P.O. Box 1728 Helena, MT 59620 406/444-4344 800-542-0807 in state</p>
<p style="text-align: center;">ALASKA FEPA</p> <p style="text-align: center;">Alaska State Commission on Human Rights 800A Suite 204 Anchorage, AK 99501-3669 907-276-4692</p>	<p style="text-align: center;">NEBRASKA FEPA</p> <p style="text-align: center;">Nebraska Equal Opportunity Commission 301 Centennial Mall South P.O. Box 94934 Lincoln, NE 68509 402-471-2024 800-642-6112</p>
<p style="text-align: center;">ARIZONA FEPA</p> <p style="text-align: center;">Arizona State Attorney General Civil Rights Division 402 W Congress South Bldg. #215 Tucson, AZ 85701 520-628-6500</p>	<p style="text-align: center;">NEVADA FEPA</p> <p style="text-align: center;">Dept. of Employment Training and Rehabilitation Nevada Equal Rights Commission 1515 E. Tropicana Ave. Suite 590 Las Vegas, NV 89119-6522 702-486-7161</p>
<p style="text-align: center;">ARKANSAS FEPA</p> <p style="text-align: center;">No FEPA state agency listed</p>	<p style="text-align: center;">NEW HAMPSHIRE FEPA</p> <p style="text-align: center;">New Hampshire Human Rights Commission 2 Chenell Dr. Concord, NH 03301 603-271-2767</p>
<p style="text-align: center;">CALIFORNIA FEPA</p> <p style="text-align: center;">Department of Justice, Civil Rights Enforcement Section Public Inquiry Unit P.O. Box 944255 Sacramento, CA 94244-2550 (916) 322-3360</p> <p style="text-align: center;">California Dept. of Fair Employment and Housing 2014 T St. Suite 210 Sacramento, CA 95814 916-227-2878</p>	<p style="text-align: center;">NEW JERSEY FEPA</p> <p style="text-align: center;">New Jersey Dept. of Law and Public Safety Division on Civil Rights 140 E Front St. P.O. Box 090 Trenton, NJ 08625-0090 609-292-4605</p>

<p align="center">COLORADO FEPA</p> <p align="center">Colorado Civil Rights Division 1560 Broadway Suite 1050 Denver, CO 80202 303-894-2997 800-262-4845 in state</p>	<p align="center">NEW MEXICO FEPA</p> <p align="center">New Mexico Human Rights Division Dept. of Labor 1596 Pacheco St. Santa Fe, NM 87502 505-827-6838 800-566-9471</p>
<p align="center">CONNECTICUT FEPA</p> <p align="center">Connecticut Commission on Human Rights and Opportunities 21 Grand St. Hartford, CT 06106 860-541-3400 800-477-5737</p>	<p align="center">NEW YORK FEPA</p> <p align="center">New York State Division of Human Rights 55 W 125th St. New York, NY 10027 212-961-8400</p>
<p align="center">DELAWARE FEPA</p> <p align="center">Delaware Human Relations Division 820 French St. 4th Floor Wilmington, DE 19801 302-577-5050</p>	<p align="center">NORTH CAROLINA FEPA</p> <p align="center">North Carolina Human Relations Commission 217 W Jones St. 4th Floor Raleigh, NC 27603 919-733-7996</p>
<p align="center">DISTRICT OF COLUMBIA FEPA</p> <p align="center">District of Columbia, Office of Human Rights 441 4th St. NW Suite 970N Washington, DC 20001 phone:202-727-3900 fax: 202-724-3786</p>	<p align="center">NORTH DAKOTA FEPA</p> <p align="center">North Dakota Dept. of Labor, Division of Human Rights State Capital 600 East Blvd. Bismarck, ND 58505 701-328-2660 800-582-8032</p>
<p align="center">FLORIDA FEPA</p> <p align="center">Florida Commission on Human Relations Building F Suite 240 325 John Knox Rd. Tallahassee, FL 32399-4149 850-488-7082 800-342-8170</p>	<p align="center">OHIO FEPA</p> <p align="center">Ohio Civil Rights Commission 111 E Broad St. Suite 301 Columbus, OH 43205 614-466-5928</p>
<p align="center">GEORGIA FEPA</p> <p align="center">Georgia Human Relations Commission 225 Peachtree St. NE Suite 207 Atlanta, GA 30303 404-656-6046</p>	<p align="center">OKLAHOMA FEPA</p> <p align="center">Oklahoma Civil Rights Commission 2101 N Lincoln Blvd. Oklahoma City, OK 73105 405-521-2360</p>

<p align="center">HAWAII FEPA</p> <p align="center">Hawaii Civil Rights Commission 830 Punchbowl St. Room 411 Honolulu, HI 96813 808-586-8636</p>	<p align="center">OREGON FEPA</p> <p align="center">Oregon Civil Rights Division Bureau of Labor and Industry 800 NE Oregon St. #32 Suite 1070 Portland, OR 97232 503-731-4075</p>
<p align="center">IDAHO FEPA</p> <p align="center">Idaho Human Rights Commission 1109 Main St. 4th Floor P.O. Box 83720 Boise, ID 83720 208-334-2873</p>	<p align="center">PENNSYLVANIA FEPA</p> <p align="center">Pennsylvania Human Relations Commission 301 Chestnut Street, Suite 300 Harrisburg, PA 17101 Voice: (717) 787-4410 Telephone: (717) 783-9308 or (717) 787-4087</p>
<p align="center">ILLINOIS FEPA</p> <p align="center">Illinois Dept. of Human Rights 100 W Randolph St. Suite 10-100 Chicago, IL 60601 312-814-6200 800-662-3942</p>	<p align="center">RHODE ISLAND FEPA</p> <p align="center">Rhode Island Commission for Human Rights 10 Abbott Park Pl. Providence, RI 02903-3768 401-222-2661</p>
<p align="center">INDIANA FEPA</p> <p align="center">Indiana Civil Rights Commission 100 N Senate Ave. Room N103 Indianapolis, IN 46204 317-232-2600 800-628-2909</p>	<p align="center">SOUTH CAROLINA FEPA</p> <p align="center">South Carolina Human Affairs Commission P.O. Box 4490 2611 Forest Dr. Suite 200 Columbia, SC 29240 803-737-7800</p>
<p align="center">IOWA FEPA</p> <p align="center">Iowa Civil Rights Commission 211 E Maple St. Grimes State Office Bldg. Des Moines, IA 50309-1858 515-281-4121 800-457-4416</p>	<p align="center">SOUTH DAKOTA FEPA</p> <p align="center">South Dakota Dept. of Commerce and Regulation Division of Human Rights 118 W Capital Ave. Pierre, SD 57501 605-773-4493</p>
<p align="center">KANSAS FEPA</p> <p align="center">Kansas Human Rights Commission 900 SW Jackson St. Suite 851-S Topeka, KS 66612-1258 785-296-3206</p>	<p align="center">TENNESSEE FEPA</p> <p align="center">Tennessee Human Rights Commission 530 Church Street, Suite 400 Cornerstone Square Building Nashville, TN 37243-0745 Phone: 615-741-5825</p>

<p align="center">KENTUCKY FEPA</p> <p>Office of Equal Employment Opportunity and Contract Compliance Capitol Annex, Room 370 Frankfort, KY 40601 Telephone: (502) 564-2874 Facsimile: (502) 564-1055</p>	<p align="center">TEXAS FEPA</p> <p>Texas Commission on Human Rights P.O. Box 13493 6830 Highway 290 East, Suite 250 Austin, TX 78711 512-437-3450</p>
<p align="center">LOUISIANA FEPA</p> <p>Louisiana Commission on Human Rights 1001 N. 23rd St., Suite 262 Baton Rouge, Louisiana 70802 Phone: (225) 342-6969 Fax: (225) 342-2063 TDD: 1-888-248-0859</p>	<p align="center">UTAH FEPA</p> <p>Utah Anti-Discrimination Division P.O. Box 146640 Salt Lake City, UT 84114-6640 801-530-6801</p>
<p align="center">MAINE FEPA</p> <p>Maine Human Rights Commission 51 State House Station Augusta, ME 04333-0051 207-624-6050</p>	<p align="center">VERMONT FEPA</p> <p>Vermont Human Rights Commission 135 State St. Drawer 33 Montpelier, VT 05633-6301 802-828-2480</p>
<p align="center">MARYLAND FEPA</p> <p>Maryland Human Rights Commission 6 St. Paul St. 9th Floor Baltimore, MD 21202-1631 410-767-8600 800-637-6247 in state</p>	<p align="center">VIRGINIA FEPA</p> <p>Council on Human Rights Suite 1202 Washington Bldg. 1100 Bank St. Richmond, VA 23219 804-225-2292 800-633-5510</p>
<p align="center">MASSACHUSETTS FEPA</p> <p>Massachusetts Commission Against Discrimination 1 Ashburton Pl., Room 601 Boston, MA 02108-1518 617-727-3990</p>	<p align="center">WASHINGTON FEPA</p> <p>Washington State Human Rights Commission P.O. Box 42490 711 S Capital Way #402 Olympia, WA 98504-2490 360-753-6770 800-233-3247</p>
<p align="center">MICHIGAN FEPA</p> <p>Michigan Department of Civil Rights Victor Bldg. Suite 700 201 N Washington Square 517-335-3165</p>	<p align="center">WEST VIRGINIA FEPA</p> <p>West Virginia Human Rights Commission 1321 Plaza East Room 108A Charleston, WV 25301 304-558-2616 888-676-5546</p>

<p align="center">MISSISSIPPI FEPA</p> <p align="center">No FEPA state agency listed</p>	<p align="center">WISCONSIN FEPA</p> <p align="center">Wisconsin Equal Rights Division Dept. of Workforce Development P.O. Box 8928 201 E Washington Ave. Room 407 Madison, WI 53708-8928 608-266-6860</p>
<p align="center">MISSOURI FEPA</p> <p align="center">Missouri Commission Human Rights Department of Labor and Industrial Relations P.O. Box 1129 3315 W Truman Blvd. Jefferson City, MO 65102-3325 573-751-3325</p>	<p align="center">WYOMING FEPA</p> <p align="center">Wyoming Department of Employment Labor Standards Fair Employment Program 1510 E. Pershing, West Wing, Suite 2015 Cheyenne, WY 82002</p>