

MAKEE `AILANA

204 Kapahulu Avenue, Honolulu, Hawai`i 96815

SEXUAL HARASSMENT POLICY

The Association of Apartment Owners of the condominium, hereinafter referred to as the "Association," recognizes that there are a number of possible sources of sexual harassment of employees, each of which requires a different response. As examples, one source is supervisors or co-workers. Another source is Association members or their family members, guests, or tenants. A third source is agents or contractors or suppliers of the Association.

The Association is committed to providing staff, tenants, owners, and visitors with an environment free from sexual harassment in all of its forms. Sexual harassment, whether between people of different sexes or the same sex, is defined to include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other behavior of a sexual nature when: 1) Submission to such conduct is made implicitly or explicitly a term or condition of an individual's employment; 2) Submission to or rejection of such conduct by an individual is used as the basis for personnel decisions or advancement; 3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or creates an intimidating, hostile or offensive working or living environment. Sexual harassment also includes conduct which would discourage a person from occupying a unit in the project based upon that person's sex or sexual orientation.

The Association will not tolerate sexual harassment which is a form of discrimination, a violation of federal and state law, and a serious violation of condominium policy. The Association encourages people to report incidents to sexual harassment and provides a variety of avenues, both formal and informal, by which individuals can report complaints of sexual harassment.

Reporting of all perceived incidents of sexual harassment is encouraged, regardless of who the alleged offender may be. Individuals who either believes they have become the victim of sexual harassment or have witnessed sexual harassment should discuss their concerns with the President of the Association, and in his/her absence with the Vice-President of the Association. Complainants are assured that problems of this nature will be treated in a confidential manner, subject to Association's legal obligation to respond appropriately to any and all allegations of sexual harassment. The Association shall maintain complete written records of all complaints, investigation, and disposition.

Association prohibits acts of reprisal against anyone involved in lodging a complaint of sexual harassment.

Additionally, the Association considers the intentional filing of false reports of sexual harassment to be a violation of this policy.

Association will promptly respond to all complaints of sexual harassment. Within 5 days of receiving a complaint, the President or in his/her absence, the Vice-President shall inform the members of the Board of Directors in writing of the nature of the complaint, dates of the incidents, name of the perpetrator, and name of the complainant. The Board of Directors shall convene in a special meeting within 14 days of the date that it is informed of the complaint from the President or Vice President. The perpetrator and complainant shall be immediately notified of the date, time, and place of the special meeting. The Board of Directors shall conduct its investigation, deliberations and findings in an executive session which may be recessed and reconvened at reasonable intervals depending on the nature of the complaint. The Board of Directors may have its attorney present at the special meeting. The perpetrator, complainant, and witnesses may have their respective attorneys present at the special meeting at their own expense. The Board of Directors may call upon and question the perpetrator, complainant, and witnesses. The Board of Directors shall allow the perpetrator to make at his or her option, a written or oral statement to the Board of Directors when requested by the perpetrator. The Board of Directors shall allow the complainant to make at his or her option, a written or oral statement to the Board of Directors when requested by the complainant. The perpetrator and complainant shall be notified in writing of the decision of the Board of Directors within 5 days of the adjournment of the special meeting.

If the source of the confirmed sexual harassment is a supervisor or co-worker, the perpetrator will be subject to immediate termination from employment with the Association.

If the source of the confirmed sexual harassment is Association members or their family members, guests, or tenants, the perpetrator will be subject to legal action to the extent allowed by federal and State law and by the Association's condominium property regime, by-laws and house rules. If the Association member is an officer or director, the Board of Directors shall also take all necessary and appropriate action, including seeking judicial removal of the officer or director from the Board.

If the source of the confirmed sexual harassment is Association's agents or contractors or suppliers, the perpetrator shall be banned from entering upon Association property, and the Association shall view the sexual harassment as a breach of contract and may immediately end the contractual relationship with the perpetrator's company.

A copy of this sexual harassment policy shall be given to all Association employees, members, tenants, agents, contractors, and suppliers.