

Sexual and Other Unlawful Harassment Policy

Reprinted from Qdoba Employee Handbook

It is the policy of this Company, Qdoba, to ensure a work environment free of sexual harassment. In accordance with that philosophy, unwelcome sexual advances; request for sexual favors; sexual demands; or other verbal, physical, or visual conduct of a sexual nature will constitute sexual harassment when:

- submission to the conduct is either an explicit or implicit term or condition of employment;
- submission to or rejection of the conduct is used as a basis for an employment decision affecting the person rejecting, or submitting to, the conduct;
- the conduct has the purpose or effect of unreasonably interfering with an affected person's work performance, or creating an intimidating, hostile, or offensive work environment;
- in third-party situations, one individual is offended by the sexual interaction, conduct, or communications between others.

The company believes that all employees are entitled to a workplace free of harassment, and expects that all employees will treat each other and our customers with courtesy, dignity, and respect. We take our obligation to maintain a workplace free of harassment very seriously. Sexual harassment is a form of misconduct, which constitutes a serious offense and subjects offenders to disciplinary action, up to, and including termination.

Employees who experience or witness sexual harassment in the workplace must report it immediately by calling the **Qdoba Ethics Helpline at (866) 501-7272**. Also, if appropriate, they may report it to their supervisor, but they must always call the Ethics Helpline. All allegations of sexual harassment will be investigated thoroughly and promptly. To the extent possible, the employee's confidentiality and that of any witness and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, the employee will be informed of the outcome of that investigation.

The company will permit no employment-based retaliation against anyone who brings a complaint of sexual harassment or who speaks as a witness in the investigation of a complaint of sexual harassment. If you perceive retaliation for making a complaint or for participating in an investigation, please contact the Qdoba Ethics Helpline.

In order insure compliance with our policy, each Restaurant General Manager and the Company will be responsible for the following:

- Issuing a strong management statement prohibiting sexual harassment in the workplace. The statement will inform employees of the policy and their rights of redress, the availability of complaints resolution channels and assistance with incidents of sexual harassment, and potential disciplinary consequences for harassers.
- Giving this policy and this statement wide distribution.
- Conducting immediate and thorough investigations and enforcing appropriate disciplinary actions.

It is the policy of Qdoba to investigate all harassment complaints thoroughly and promptly. We will strive to keep the investigation as confidential as possible; however, we cannot guarantee confidentiality. If an investigation confirms that a violation of the harassment policy has occurred, we will take appropriate action.

To avoid misunderstandings about what might constitute sexual harassment, the following guidelines should be followed. Please note that sexual harassment is not limited to the examples shown.

- Repeated, unwanted social invitations should be avoided.
- No touching, hugging, massages, fanny pats, etc., or behavior that, if it occurred to a stranger on the street, would subject the employee to charges of molestation, indecent exposure, assault, or rape. Sexual gestures or other offensive body movements are also prohibited.
- No sexually suggestive or abusive talk, including "dirty" or gender-related jokes meant to demean.
- No offensive printed or written materials, including sexually offensive cartoons, sexist jokes, or any material which inappropriately raises the issue of sex.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, is personally offensive, debilitates morale, and therefore, interferes with work effectiveness.

If at any time employees would like another copy of this policy, please contact your Store General Manager or call the **Qdoba Ethics Helpline (866) 501-7272**. If we should amend or modify our sexual harassment policy, employees will receive an individual copy of the amended or modified policy.