

## Zero Tolerance Offenses

A. Inappropriate physical contact with or touching of a Service Recipient's private parts, which is defined as male and female genitalia and gluteal clefts and female breasts.

B. Physical contact with a Service Recipient in any manner that is inconsistent with the boundaries conveyed by the Service Recipient pertaining to abdominal, pectoral, or gluteal muscles. A Service Provider must not under any circumstances expand beyond the boundaries indicated in writing on the Areas of Consent screen in the InStore Forms Application or the Total Body Stretch – Intake Form (i.e., "implied consent"), even if the Service Recipient verbally requests such deviation during the session. Should a verbal deviation request occur pertaining to the abdominal, pectoral, or gluteal muscles, the Service Provider should politely inform the Service Recipient that they can work on that area during the next appointment (See: InStore Forms Intake and Documentation Policy). Undergarments should be considered boundaries conveyed by the Service Recipient, and a Service Provider must not move undergarments or otherwise cross the boundary established by the undergarment or suggest that the Service Recipient should remove an undergarment after they have undressed to their comfort level and are lying on the massage table. The drape is a non-verbal boundary to the Service Recipient, and a Service Provider must never work under a draped area

C. Improper draping resulting in exposure of a Service Provider's private body parts, which is defined as male and female genitalia and gluteal cleft and female breasts, or breach of privacy. A franchisee employee must not be present in a therapy room while the Service Recipient or any other person is dressing or undressing in any manner or is unclothed and not covered by draping. A franchisee employee may not assist a Service Recipient to dress or undress or allow a Service Recipient to remove undergarments while the Service Provider is in the therapy room. If the Service Recipient has special needs that require assistance dressing/undressing or getting on/off the massage/facial table, the Service Recipient must bring a friend, family member, or other helper to assist them.

D. Using language with a Service Recipient or other franchisee employee that implicitly or explicitly refers to sex, sexuality, their physical appearance in a sexual manner, or the solicitation of a Service Recipient or other franchisee employee for intimate purposes including if such communication occurs during a service or following a service via phone, text, email, social media or otherwise.

E. Communicating with any individual via phone, text, email, social media, or otherwise that implicitly or explicitly refers to sex, sexuality, or their physical appearance in a sexual manner, for the purposes of soliciting their business as a Service Recipient.

F. Engaging in actions of a sexual nature or that are sexually suggestive in front of, with, toward, or in the presence of a Service Recipient or other franchisee employee.

G. Using language or engaging in actions of a discriminatory or harassing nature in front of, or toward Service Recipients or other franchisee employees based on race, sex, sexual orientation, age, religion, national origin, disability, or other legally protected categories.

H. Failing to maintain, in good standing, a current massage/esthetic license or certification, as required by applicable law, while providing services to Service Recipients. If a license or certification for a

massage therapist/esthetician unintentionally expires or lapses, the massage therapist/esthetician must be immediately removed from the schedule until the license or certification is in good standing.

I. Theft that occurs on the premises of a Massage Envy franchised location.

J. Misuse of a Service Recipient's private information.

K. Performing services while impaired by any drugs or alcohol (whether legal or illegal). The adverse effect of a prescribed medication may or may not constitute a Zero Tolerance Offense.

L. Utilizing or making a Service Recipient aware of the presence of a cell phone or other mobile electronic device inside a therapy room during any massage, customized facial session, Advanced Skin Care treatment, or Total Body Stretch (except in the case of an approved iPad) which results in unauthorized photos or recordings (audio or video) or a breach of the Service Recipient's privacy. (See: Cell Phone and Mobile Electronic Device Usage Policy.)

M. Threatening harm to or engaging in acts of violence toward a Service Recipient or other franchisee employee