

## **Anti-Harassment Policy & Procedure – Sample 1**

### **Our Policy Against Harassment**

It is the policy and practice of X (“the Company”) to maintain and foster a working environment based on trust and mutual respect. Accordingly, the Company has adopted a zero-tolerance policy toward discrimination and all forms of unlawful harassment, including but not limited to sexual harassment. This zero-tolerance policy means that no form of unlawful discriminatory or harassing conduct towards any employee, client, contractor, or other person in our workplace will be tolerated. The Company is committed to enforcing its policy at all levels within the Company, and any employee who engages in prohibited discrimination or harassment will be subject to discipline, up to and including immediate discharge from employment for a first offense.

Every employee should be aware that all managers and supervisors are absolutely prohibited from making any decision regarding job assignment or reassignment, performance evaluation, compensation, promotion or demotion, termination or commencement of employment, or any other decision involving any tangible employment action, based in whole or in any part on any person’s exposure to, submission to, acquiescence in, or complaint about, sexual harassment or any other form of unlawful harassment or discrimination.

### **Conduct Covered by this Policy**

This policy applies to and prohibits all forms of illegal harassment and discrimination, not only sexual harassment. Accordingly, the Company absolutely prohibits harassment or discrimination based on sex, age, disability, perceived disability, marital status, personal appearance, sexual orientation, race, color, religion, national origin, veteran status or any other legally protected characteristic.

Because confusion often arises concerning the meaning of sexual harassment in particular, it deserves special mention. Sexual harassment may take many forms, including the following:

- Offensive and unwelcome sexual invitations, whether or not the employee submits to the invitation, and particularly when a spoken or implied quid pro quo for sexual favors is a benefit of employment or continued employment;
- Offensive and unwelcome conduct of a sexual nature, including sexually-graphic spoken comments; offensive comments transmitted by e-mail or another messaging system; offensive or suggestive images or graphics whether physically present in the workplace or accessed over the Internet; or the possession of or use of sexually suggestive objects; and

- Offensive and unwelcome physical contact of a sexual nature, including the touching of another's body; the touching or display of one's own body, or any similar contact.

Below are some behaviors that may constitute unlawful sexual harassment:

Visual conduct: leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, calendars, or posters

Verbal conduct: making or using derogatory comments, epithets, slurs, and jokes

Verbal sexual advances or propositions

Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body or physical appearance, sexually degrading words used to describe an individual, suggestive or obscene letters, notes or invitations

Physical conduct: touching, assault, or impeding or blocking movement

### **Computer Messaging and Information Systems**

Employees are particularly cautioned that the use of e-mail, voice mail, or other electronic messaging systems, or the Internet, may give rise to liability for harassment. Employees may not generate, should not receive, and must not forward, any message or graphic that might be taken as offensive based on sex, gender, or other protected characteristic. This includes, for example, the generation or forwarding of offensive "humor" which contains sexually-offensive terms, or terms which are offensive to any race, religion, national origin group, sexual orientation, or other protected group.

Employees receiving offensive messages over the Company's computer equipment, or receiving other unlawfully offensive messages or graphics over the Company's computer equipment, should report those messages to their supervisor or other appropriate manager.

Employees are reminded that the Company's computers and the data generated on, stored in, or transmitted to or from the Company's computers remain the property of the Company for all purposes. No employee is authorized to use any Company computer, computer system, network, or software for the preparation, transmission, or receipt of sexually offensive messages or graphics, or for other messages or graphics which might be taken as offensive based on any other protected characteristic.

Employees are reminded that the Company retains the right to monitor its computers, computer systems, and networks to ensure compliance with this requirement.

### **Mandatory Reporting Procedures**

Any Company employee who believes that she or he has been subjected to unlawful harassment of any kind has the responsibility to report the harassment immediately to \_\_\_\_\_, Vice President of Human Resources or his or her

supervisor. If the employee is uncomfortable reporting the harassment to Human Resources or his or her immediate supervisor (for whatever reason), the employee must report the harassment to the next higher level of management above their immediate supervisor.

The Company is committed to taking all reasonable steps to prevent harassment, and will make every reasonable effort promptly and completely to address and correct any harassment that may occur. However, the Company cannot take prompt and effective remedial action unless each employee assumes the responsibility of reporting any incident of harassment immediately to an appropriate supervisory employee.

Every report of harassment will be investigated promptly and impartially, with every effort to maintain employee confidentiality. The complainant and the accused will be informed of the results of the investigation. If the Company finds that its policy has been violated, it will take appropriate corrective and remedial action, up to and including discharge.

### **Reporting Without Fear of Retaliation**

No Company employee will be retaliated against for reporting harassment. This no-retaliation policy applies whether a good faith complaint of harassment is well founded or ultimately determined to be unfounded.

No Company manager or supervisor is authorized, or permitted, to retaliate or to take any adverse employment action whatsoever against anyone for reporting unlawful harassment, or for opposing any other discriminatory practice in the workplace.

Any employee who feels he or she has been retaliated against in violation of this no-retaliation policy is responsible for reporting the retaliation to management, in the same manner as any other form of harassment or discrimination should be reported.

### **Questions About This Policy**

If you have any questions at all about this policy, about whether you should report an incident under this policy, or about the Company's commitment to a workplace free of discrimination and harassment, please speak to your supervisor. If you believe it is inappropriate for any reason to discuss the matter with your supervisor, please bring your questions to the Vice President of Human Resources.

### **Receipt of Anti-Harassment Policy**

I have received a copy of the X Anti-Harassment Policy and Procedure. I have read it and understand that I have a responsibility not to engage in any unlawful harassment towards any employee, client, contractor, or any other third party with whom I interact by virtue of my employment, and that I may not exhibit any behavior that may be intimidating or personally offensive. In the event I violate this policy, in the Company's discretion, I recognize that I will be subject to disciplinary action, up to and including termination of employment. I also understand that I have an obligation to report any harassment under this policy and that I am aware of the X reporting procedure.

I recognize that no unlawful retaliation will be taken against me if I make a good faith report under this policy or if I cooperate in a harassment investigation.

Signature: \_\_\_\_\_

Name (Print) \_\_\_\_\_

Date \_\_\_\_\_