

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 _____

Anti-Discrimination and Anti-Harassment Policy – Sample 2

Prohibition of Unlawful Discrimination and Harassment

X intends to provide a work environment that is pleasant, healthful, comfortable, and free from intimidation, hostility or other offenses, which might interfere with work performance. Unlawful discrimination or harassment will not be tolerated.

What is Discrimination?

Discrimination is where an individual is treated differently because of the individual's membership in a protected category, such as race, color, sex, religion, national origin, nationality, ancestry, alienage or citizenship status, age, disability, creed, affectional or sexual orientation, marital status, domestic partnership status, military status, genetic information liability for military service, predisposing genetic characteristics, atypical hereditary cellular or blood trait, or any other basis protected by federal, state or local law.

What is Harassment?

Harassment is unwelcome conduct that is based on race, color, sex, religion, national origin, nationality, ancestry, alienage or citizenship status, age, disability, creed, affectional or sexual orientation, marital status, domestic partnership status, military status, genetic information liability for military service, predisposing genetic characteristics, atypical hereditary cellular or blood trait, or any other basis protected by federal, state or local law. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment is unlawful where this conduct is severe or pervasive enough to alter the conditions of an individual's employment and create an abusive working environment.

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to or rejection of such conduct is made either explicitly or implicitly 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 employment decisions affecting such individual, or (3) this conduct is severe or pervasive enough to alter the conditions of an individual's employment and create an abusive working environment.

The Company's Reporting Procedure

Our reporting procedure provides for an immediate, thorough and objective investigation of any discrimination or harassment claim. Following an investigation, any employee who is found to have engaged in prohibited discrimination, harassment or other conduct that violates X's policy will be subject to appropriate disciplinary action, up to and including termination of employment. Appropriate action will also be taken to deter any future prohibited discrimination and harassment.

If any employee believes he/she has been discriminated against or harassed, or is aware of discrimination or harassment against others, the employee should provide a written or verbal report to his/her supervisor, _____, _____, _____, or any other officer of X as soon as possible. The report should include the details of the incident(s), the names of individuals involved, the names of any witnesses, direct quotes when relevant, and any documentary evidence (emails, text messages, notes, pictures, etc.). All incidents of discrimination and harassment that are reported will be investigated. X will endeavor to protect the privacy and confidentiality of all parties involved to the extent possible consistent with a thorough investigation.

Protection Against Retaliation

X will not retaliate against employees for reporting discrimination or harassment. This no-retaliation policy applies whether a good faith complaint is well founded or ultimately determined to be unfounded.

Any employee who believes he/she has been retaliated against, or is aware of retaliation against others, should report the retaliation to his/her supervisor, _____, _____, _____, or any other officer of X. Any complaint will be immediately, objectively and thoroughly investigated in accordance with the investigation procedure outlined above. If a report of retaliation is substantiated, appropriate disciplinary action, up to and including discharge, will be taken.

* * *

X will not provide legal, financial or any other assistance to an employee accused of discrimination, harassment or retaliation if a legal complaint is filed.

Print Name

Signature

Office Location

Date

OUR POLICY AGAINST HARASSMENT – SAMPLE 3

It is the policy and practice of the Company to maintain and foster a work environment in which all employees are treated with decency and 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.

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, 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 Procedures in Cases of Harassment:

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 her or his supervisor. If the employee is uncomfortable reporting the harassment to her or his immediate supervisor (whether because the supervisor has committed the harassment, or for any other reason whatsoever), the employee must report the harassment to the next higher level of management above the immediate supervisor or, if the employee prefers, to the Human Resources Director, Chief Financial Officer, or President of the Company.

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 Human Resources Director.