

Sample Sexual Harassment Policy*

Unlawful Harassment

In accordance with applicable law, the Company prohibits sexual harassment and all harassment because of race, color, creed, religion, gender (including pregnancy, childbirth, breastfeeding, or related medical conditions), national origin including undocumented individuals, ancestry, age, physical or mental disability, medical condition including genetic characteristics, or any information based on genetic background, family-care status, military and veteran status, citizenship status, immigration status, primary language, marital status, sexual orientation, gender identity or gender expression where a person's gender-related appearance and behavior may not be stereotypically associated with the person's assigned sex at birth, or any other consideration made unlawful by federal, state, or local laws. This also includes a perception that anyone has any of those characteristics or is associated with a person who has or is perceived as having any of those characteristics.

"Gender expression" means a person's gender-related appearance or behavior, whether or not stereotypically associated with the person's sex at birth. "Gender identity" means a person's identification as male, female, a gender different from the person's sex at birth, or transgender. "Sex" includes, but is not limited to, pregnancy, childbirth, breastfeeding, and any related medical conditions, and gender identity and expression. "Sex Stereotype" means an assumption about a person's appearance or behavior, or about an individual's ability or inability to perform certain kinds of work based on a myth, social expectation, or generalization about the individual's sex. "Transgender" refers to a person whose gender identity differs from the person's sex at birth. A transgender person may or may not have a gender expression that is different from the social expectations of the sex assigned at birth. A transgender person may or may not identify as "transsexual."

All such harassment is unlawful and will not be tolerated. The Company is committed to taking all reasonable steps to prevent harassment from occurring.

Prohibited Harassment Defined

Unlawful harassment because of any protected characteristic includes, but is not limited to:

- Verbal conduct such as epithets, derogatory comments, slurs, or unwanted sexual advances, invitations, or comments.
- Visual conduct such as derogatory posters, photography, cartoons, drawings, or gestures.
- Physical conduct such as unwanted touching, blocking normal movement, or interfering with work directed at you because of your sex or any other protected basis.
- Threats and demands to submit to sexual requests in order to keep your job or avoid some other loss, and offers of job benefits in return for sexual favors.
- Retaliation for opposing, reporting or threatening to report harassment, or for participating in an investigation, proceeding or hearing conducted by an investigating agency.
- "Abusive conduct" is defined as verbal or physical conduct done with malice and for no legitimate business purpose that a reasonable person would find to be hostile, offensive, humiliating, threatening or intimidating.

Such conduct constitutes harassment when (1) submission to the conduct is made either an explicit or implicit condition of employment; (2) submission to or rejection of the conduct is used as the basis for an employment decision; or (3) the harassment is carried out to sabotage, undermine, or interfere with an employee's work performance or creates an intimidating, hostile or offensive work environment. Sexually harassing conduct includes unwelcome conduct such as requests for sexual favors, conversation containing sexual comments and unwelcome sexual advances.

Prohibited harassment is not necessarily limited to the loss of a job or some other economic benefit. Prohibited harassment that impairs your working ability or emotional well-being at work violates this policy and will not be tolerated.

The Company's Reporting Procedure

Our reporting procedure provides for an immediate, thorough and objective investigation of any harassment claim, appropriate disciplinary action against one found to have engaged in prohibited harassment, and appropriate remedies to any employee subject to harassment. An employee may have a claim of harassment even if he or she has not lost a job or some economic benefit.

If any employee believes he/she has been harassed on the job, or is aware of the harassment of others, the employee should provide a written or verbal report to his/her supervisor, to any other manager or to **[insert name and position of appropriate contact person]**, as soon as possible. The report should include details of the incident(s), the names of individuals involved, the names of any witnesses, direct quotes when relevant, and any documentary evidence (notes, pictures, cartoons, etc.). Managers who receive complaints or who observe harassing conduct should inform **<Contact for policy issues>** immediately. **<Company name>** emphasizes that an employee is not required to complain first to their supervisor if that supervisor is the individual who is harassing the employee. All incidents of harassment that are reported will be investigated. The Company will endeavor to protect the privacy and confidentiality of all parties involved to the extent possible consistent with a thorough investigation.

If the Company determines that harassment has occurred, it will take remedial action commensurate with the circumstances. Appropriate action will also be taken to deter any future harassment. If a complaint of harassment is substantiated, appropriate disciplinary action, up to and including discharge, will be taken.

Protection Against Retaliation

Applicable law also prohibits retaliation against any employee by any person for reporting, filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by the Company or a federal or state enforcement agency. Employees should report any retaliation to a supervisor, any manager, or to **[insert name of appropriate contact]**. 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.

Liability for Harassment

Any employee, including any supervisor or manager, who is found to have engaged in unlawful harassment is subject to disciplinary action up to and including discharge from employment. An employee who engages in harassment may be held personally liable for monetary damages, should a lawsuit be filed.

Additional Enforcement Information

Employees should also be aware that the federal Equal Employment Opportunity Commission (EEOC) and **[insert name of applicable state agency]** investigate complaints of harassment in employment. Employees who believe that they have been harassed may file a complaint with either of these agencies. Both the EEOC and **[insert name of applicable state agency]** serve as neutral fact finders and attempt to help the parties voluntarily resolve disputes. You may contact the nearest office of the EEOC or **[insert name of applicable state agency]** as listed in the telephone directory.

** This is a sample policy only and does not constitute and is not a substitution for consultation with legal counsel. The law in this area consistently changes and must be reviewed before implementing any policy in this regard. This sample policy should not be implemented or executed except on the advice of counsel.*

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