

## ANTI-HARASSMENT POLICY

*This policy is designed to be used in preventing and reporting all types of harassment including sexual harassment. The policy should be adjusted to meet the needs of the employer.*

*A policy standing alone will not prevent workplace harassment. An organization must have a zero tolerance policy and training must be given regularly to employees, managers and the board.*

*Note #1: This policy uses a single person to investigate claims and make a determination as to whether or not harassment occurred. Other organizations will use one or more persons for the investigation and have the results reported to a committee that will make that determination.*

*Note #2: This policy allows staff to report complaints to a Vice President of Human Resources or an attorney in the Legal Department. Obviously this should be changed to meet the staffing structure and titles of the organization that uses this policy.*

*Note #3: Many organizations now use an outside “whistleblower” reporting service and complaints of harassment can be made using that system. If such a system is in place, this generic policy will need to be modified to reflect the procedures for correctly using the organization’s whistleblower system.*

*Note #4: Sexual orientation is not protected under current federal law although it is protected at the state level in some cases including the District of Columbia. References to sexual orientation being a basis for actionable harassment can be deleted if not applicable.*

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## **ANTI-HARASSMENT POLICY**

[EMPLOYER] is committed to providing a work environment that is free from discrimination. Employees should be aware that discrimination may take the form of harassment such as sexual and other forms of harassment. Because [EMPLOYER] will not tolerate harassing words and actions, all employees should understand what harassment is, how to report harassment, what happens when harassment is reported, and what discipline may be expected as a result of harassment. [EMPLOYER] encourages employees to bring any incidents of harassment to the immediate attention of management.

### **What is sexual harassment?**

Sexual harassment is many things -- unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are all forms of sexual harassment. There are two types of sexual harassment. The first is what most people think of – an employee feels he or she has to tolerate the offensive conduct because the employee's job or promotion depends upon it. The second kind of harassment is where the offensive conduct unreasonably interferes with an individual's work performance by creating an intimidating, hostile, or offensive working environment. Neither kind of sexual harassment will be tolerated at [EMPLOYER].

### **Who is involved?**

It is possible for employees to be sexually harassed by supervisors, co-workers, or by outsiders who conduct business with the [EMPLOYER]. It is possible for men to be harassed by women. It is also possible for men to be harassed by men and women to be harassed by women.

### **What are other forms of harassment?**

Harassment may take other forms such as harassment that is based on a person's race, religion, ethnicity, gender, or other legally protected characteristic. As with sexual harassment, these forms of harassment are also actionable under [EMPLOYER]'s Anti-Harassment Policy.

### **How should harassment be reported?**

Any employee who feels harassed should report the problem promptly to one of three persons: 1) the employee's supervisor, or 2) the Vice President of Human Resources, or 3) an attorney in the Legal Department. . If the complaint is about the employee's supervisor or the Vice President of Human Resources, the complaint may be made to that person's supervisor. A complaint may be made by phone, in writing, by e-mail, or in person.

Supervisors or managers who become aware of possible harassment must report the situation promptly to the Vice President of Human Resources or to an attorney in the Legal Department.

### **What will happen to an employee who makes a report?**

Employees who report harassment in good faith will not be subjected to reprisals or other adverse consequences. All information concerning a complaint, investigation, or determination will be communicated only to the parties involved and will be treated as strictly confidential.

### **How will a report be investigated?**

The [EMPLOYER] will investigate all reports of harassment promptly, fairly, and thoroughly. Typically investigations will be conducted by outside counsel in conjunction with the Vice President of Human Resources. If the complaint is made about someone who works in Human Resources, the investigation will be conducted in conjunction with the senior attorney in the Legal Department.

An investigation will include interviews with the complainant, the accused, and any actual or possible witnesses or other persons involved. The investigators will prepare a written report of their findings, and the outside counsel will determine whether the alleged harassment took place.

### **What disciplinary action can be expected?**

Anyone engaging in harassment will be subject to disciplinary action, ranging from a written warning, or suspension without pay, to termination. The severity of the discipline will depend on the seriousness of the offense and on the employee's past record. At a minimum, anyone found to have engaged in harassment will receive a written warning and be required to take anti-harassment training.

In addition, any employee who knowingly makes a false charge of harassment will be disciplined.

An employee may appeal a determination or the resulting discipline to the President, whose decision will be final.

### **What training is given?**

[EMPLOYER] provides regular training to all staff on how to identify, report and prevent harassment of all types in the workplace. Human Resources maintains a record of all staff who attend training. Employees are generally required to take the training upon their initial hiring and with each promotion.

Supervisors are required to take the harassment prevention training annually. It will be noted during the supervisor's annual review if the supervisor failed to attend the required training.