

Sexual Harassment Policy Template

****Please note:** Have your employment lawyer or HR expert review this policy for state and local law compliance before implementing.

This Sexual Harassment Policy applies to all employees at all locations of [Company]. All employees become subject to this policy on their first day of employment with [Company] and will be subject to discipline for violations of this policy, up to and including termination.

Sexual Harassment at [Company] is Prohibited

Any harassment by one employee of [Company] directed at another, both on and off [Company] premises, during and outside of work hours is expressly prohibited. Sexual harassment is any unwelcome conduct of a sexual nature that a person finds offensive and results in a hostile or intimidating work environment.

The Equal Employment Opportunity Commission (EEOC) describes sexual harassment as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.” Furthermore, harassment does not have to be of a sexual nature and can include offensive remarks about a person’s sex.

Examples of sexual harassment may include but are not limited to:

- A supervisor requesting sexual acts, explicitly or implicitly, as a condition of a person’s employment
- Ongoing remarks about a person’s sex made by a colleague
- Harassment that has the effect of interfering with an employee’s ability to work or conduct that creates a hostile work environment
- Direct physical contact of a sexual or unwanted nature
- Preferential treatment of an employee who submits to sexual conduct
- Use of sexual publications, websites, or discussions
- Retaliation for sexual harassment complaints

Sexual Harassment Investigation Procedure

Any employee who has been the subject of sexual harassment may tell the harasser to stop immediately. If the harasser continues or if the individual is afraid or uncomfortable with speaking directly to the harasser, they should immediately report the incident to their supervisor or to HR. Management and HR must be made aware of any inappropriate workplace behavior so that action can be taken immediately.

Sexual harassment complaints should be submitted to the employee’s manager or HR as soon as possible after the occurrence of the incident. An HR representative may help an employee complete a written statement or, if the employee refuses to provide a written complaint, the HR representative may file a complaint on behalf of the employee. Confidentiality, to the extent possible, will be

preserved, but it is not always possible for the employee to remain anonymous for the entire duration of a sexual harassment investigation.

Complaint

A sexual harassment complaint must provide at least the following information:

- The complaining employee's name and position
- The name and position of the harasser
- The date of the incident
- The location of the incident
- A detailed description of the incident
- A description of any witnesses present
- The effect of the incident on the employee's ability to perform their job
- Names and positions of other employees who may have been subjected to similar harassment
- What steps, if any, the employee has taken to try and stop the harassment
- Any other relevant information

Investigation

Upon receipt of a complaint, HR will begin an investigation of the incident within one business day. HR will speak with the harasser and any witnesses. A member of the HR department will also review any other evidence available such as video footage or audio recordings.

The employee who filed the complaint will not participate in or learn of discussions with other employees. Upon completion of the investigation, HR will inform the employee of the result of the investigation. Unless there are circumstances requiring more time, determined solely by the HR Director, the investigation shall be completed within 60 days of HR's receipt of the complaint.

Confidentiality

During the investigation, HR will maintain confidentiality to the extent possible. Interviews with the harasser and witnesses may require HR to reveal the complainant's name but HR will take steps to ensure the complainant is protected from retaliation during and after the investigation. Any information relating to a sexual harassment complaint and investigation shall be maintained in secure and confidential files retained by HR.

Discipline

If an employee is found to have sexually harassed another employee in violation of this policy, the mandatory minimum discipline is a written reprimand. This minimum discipline will only apply to first-time offenders and when the offense is determined to be minor and isolated in nature. Discipline for repeat violations or for ongoing offenses shall be immediate termination of employment. Employees in violation of this policy may also be subject to civil damages and criminal penalties.