

Sample Harassment Policy:

The objective of [Company Name] to offer employment opportunity, based upon ability and performance in a productive climate, free of discrimination and to provide a workplace in which employees are treated with dignity and respect. Therefore, it is the policy of [Company Name] that any employee or supervisor shall not harass another employee or member of the public.

HARASSMENT

Harassment includes racial or ethnic slurs and other verbal, visual or physical abuse relating to a person's race, age, religion, color, national origin, ancestry, sex, physical or mental handicap or medical condition. Harassment also includes any other behavior that interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

Harassment of any kind of an employee will not be tolerated. Any employee experiencing or witnessing such harassment shall report such instances immediately to their supervisor or the Human Resources Department. Noncompliance with this policy by any employee may result in corrective or disciplinary action, including termination.

No employee shall be subjected to any form of intimidation or threat of retaliation for exercising their rights under the law or these policies.

SEXUAL HARASSMENT

It is the policy of [Company Name] to provide a work environment for its employees that is free from discrimination and intimidation. [Company Name] will not tolerate any form of sexual harassment. Prompt disciplinary action will be taken against an employee who commits or participates in any form of sexual harassment.

Sexual harassment is defined as unwanted, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, which has the effect of creating an offensive, intimidating, degrading or hostile work environment, or adversely interferes or affects an employee's work performance, or is made either implicitly or explicitly a term or condition of an individual's employment, or when submission or when submission or rejection of such conduct is used as the basis for employment decision of the individual.

Though sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include the following:

- Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults, and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body.
- Unwelcome sexual advances, propositions or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience.
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.
- Sexual or discriminatory displays or publications anywhere in [Company Name]'s workplace by the [Company Name] employees.
- Retaliation for sexual harassment complaints.

Repeated incidents or an aggregation of incidents can constitute sexual harassment even if one incident

considered on its own would not be harassing.

If an employee believes that he or she has been subject to sexual harassment or any unwelcome sexual attention, he or she may address the situation directly and immediately to the harasser, if possible. If the inappropriate conduct does not cease, or if the employee is unable to or uncomfortable with addressing the alleged harasser directly, he or she should report the incident to his or her own supervisor or manager, or to the human resource department.

It is important to report any and all concerns of sexual harassment or inappropriate sexual conduct to the human resource department or a supervisor/manager as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

Managers and supervisors must deal expeditiously and fairly with allegations of sexual harassment within their departments whether or not there has been a written or formal complaint. They must:

- Take all complaints or concerns of alleged or possible harassment or discrimination seriously no matter how minor or who is involved.
- Ensure that harassment or inappropriate sexually oriented conduct is immediately reported to HR so that a prompt investigation can occur.
- Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.
- Managers and supervisors who knowingly allow or tolerate sexual harassment or retaliation, including the failure to immediately report such misconduct to HR, are in violation of this policy and subject to discipline.

COMPLAINT RESOLUTION PROCEDURES

Individuals should report complaints of conduct believed to violate [Company Name]'s sexual harassment policy according to the policy's complaint procedures. To initiate a formal investigation into an alleged violation of this policy, employees may be asked to provide a written statement about the alleged misconduct to the HR director. Complaints should be submitted as soon as possible after an incident has occurred. The HR director may assist the complainant in completing the statement.

To ensure the prompt and thorough investigation of a sexual harassment complaint, the complainant should provide as much of the following information as is possible:

- The name, department and position of the person or persons allegedly causing the harassment.
- A description of the incident(s), including the date(s), location(s) and the presence of any witnesses.
- The effect of the incident(s) on the complainant's ability to perform his or her job, or on other terms or conditions of his or her employment.
- The names of other individuals who might have been subject to the same or similar harassment.
- What, if any, steps the complainant has taken to try to stop the harassment.
- Any other information the complainant believes to be relevant to the harassment complaint.

DISCIPLINE

Employees who violate this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand. The discipline for very serious or repeat violations is termination of employment. Persons who violate this policy may also be subject to civil damages or criminal penalties.

CONFIDENTIALITY

All inquiries, complaints and investigations are treated confidentially. Information is revealed strictly on a need-to-know basis. Information contained in a formal complaint is kept as confidential as possible. However, the identity of the complainant is usually revealed to the respondent and witnesses. The HR director takes adequate steps to ensure that the complainant is protected from retaliation during the period of the investigation. All information pertaining to a sexual harassment complaint or investigation is maintained by the HR director in secure files. The HR director can answer any questions relating to the procedures for handling information related to sexual harassment complaints and investigations to complainants and respondents.

OTHER AVAILABLE PROCEDURES

The remedies under this policy do not preempt or supersede any legal procedures or remedies otherwise available to a victim of sexual harassment under local, state or federal law.

Content provided by the NM Secretary of State's Office (www.sos.state.nm.us), the U.S. Equal Employment Opportunity Commission (www.eeoc.gov), and the Society of Human Resource Management (www.shrm.org).