

Statement on Harassment

This Office is committed to providing a work environment that is free of discrimination. In keeping with this policy, this Office **strictly prohibits harassment of any kind**, including harassment on the basis of sex, race, color, religion, gender, age, mental or physical disability, medical condition, national origin, marital status, veteran status, sexual orientation, or any other characteristic protected under federal law, state law, or local ordinance.

I. HARASSMENT POLICY STATEMENT

Title VII of the *Civil Rights Act of 1964*, as amended, prohibits employment discrimination on the basis of race, color, sex, age or national origin. Sexual harassment is included among the prohibitions.

According to the United States Equal Employment Opportunity Commission (EEOC), sexual harassment consists of unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual or sex based nature when (1) submission to that conduct is made either explicitly or implicitly a term or a condition of an individual's employment; (2) an employment decision is based on an individual's acceptance or rejection of that conduct; or (3) that conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

It also is unlawful to retaliate or take reprisals in any way against an employee who has articulated a good faith concern about harassment or discrimination against him or her or against another individual.

Harassment is unlawful, and the prohibited conduct exposes not only the Office, but also the individuals involved in that conduct, to significant liability under the law. Accordingly, the Office management is committed to vigorously enforcing its Harassment Policy at all levels within the Office. Employees should treat other employees with respect and dignity in a manner that does not offend the sensibilities of a coworker.

Examples of conduct that would be considered harassment or constitute retaliation are presented in the "Statement of Prohibited Conduct" below. These examples are provided to illustrate the kind of conduct proscribed by this Policy. This list is not exhaustive.

II. STATEMENT OF PROHIBITED CONDUCT

The Office's management considers the following conduct to be illustrative of some of the conduct that violates this Office's Harassment Policy:

- A. Physical assaults of a sexual nature, such as:
 - 1. Rape, sexual battery, molestation, or attempts to commit these assaults; and
 - 2. 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.
- B. Unwanted sexual advances, propositions or other sexual comments, such as:
 - 2. Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct is unwelcome in his or her presence;
 - 3. 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; and
 - 4. 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 the employee's sex.
- C. Sexual or discriminatory displays or publications anywhere in the Office's workplace by Office employees, such as:
 - 1. Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic, or bringing into the Office work environment or possessing any such material to read, display, or view at work. A picture will be presumed to be sexually suggestive if it depicts a person of either sex who is not fully clothed or in clothes that are not suited to or customarily accepted for the accomplishment of routine work in and around the workplace and who is posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.
 - 2. Reading publicly or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning, or pornographic; and
 - 3. Displaying signs or other materials purporting to segregate an employee by sex in any area of the workplace (other than restrooms and similar semi-private lockers and changing rooms).

D. Retaliation for sexual harassment complaints, such as:

1. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment, discrimination, or retaliation; and
2. Intentionally lying about, falsely denying, exerting pressure, or otherwise attempting to cover up conduct such as that described in any item above.

E. Other acts

1. The illustrations stated above are not to be construed as an all-inclusive list of prohibited acts under this Policy.
2. Harassment is unlawful and hurts other employees. Moreover, each incident of harassment contributes to a general atmosphere in which all persons who share the victim's sex suffer the consequences. Sexually oriented acts or sex-based conduct have no legitimate business purposes. Accordingly, the employee who engages in that conduct should be and will be made to bear the full responsibility for that unlawful conduct.

III. SCHEDULE OF PENALTIES FOR MISCONDUCT

The following schedule of penalties applies to all violations of the Office's Harassment Policy, as explained in more detail in the Statement of Prohibited Conduct. When progressive discipline is provided for, each instance of conduct violating the policy moves the offending employee through the steps of disciplinary action. In other words, it is not necessary for an employee to repeat the same precise conduct in order to move up the scale of discipline.

Note that, in light of each employee's status as an at-will employee, no particular progressive schedule of discipline is promised, guaranteed, or required, and any employee may be immediately discharged for any act of harassment, with or without prior discipline and with or without proof of the alleged conduct. The Office reserves the right to modify, follow, or not follow the schedule of discipline at the Office's discretion and without further notice.

A written record of each action taken pursuant to the policy will be placed in the offending employee's and alleged victim's personnel files. The record will reflect the conduct or alleged conduct; the nature, scope, and findings of the investigation; and the warning given or other discipline imposed.

A. Assault

Any employee's first proven offense of assault or threat of assault, including assault of a sexual nature, will result in dismissal.

B. Other acts of harassment by coworkers

An employee's commission of acts of harassment other than assault will result in non-disciplinary oral counseling on the alleged first offense; written warning, suspension, or discharge on the first proven offense, depending on the nature or severity of the misconduct; and suspension or discharge on the second proven offense, depending on the nature or severity of the misconduct.

C. Retaliation

Alleged retaliation against a harassment complainant will result in non-disciplinary oral counseling. Any form of proven retaliation will result in suspension or discharge on the first proven offense, depending on the nature and severity of the retaliatory acts, and discharge on the second proven offense.

D. Supervisors

A supervisor's commission of acts of harassment (other than assault) with respect to any other employee under that person's supervision will result in non-disciplinary oral counseling on the alleged first offense; final warning or discharge for the first proven offense, depending on the nature and severity of the misconduct; and discharge for any subsequent offense.

IV. PROCEDURES FOR MAKING, INVESTIGATING, AND RESOLVING SEXUAL HARASSMENT AND RETALIATION COMPLAINTS

A. Complaints

The Office will provide its employees with convenient, confidential, and reliable mechanisms for reporting incidents of harassment and retaliation. Accordingly, the Office designates at least two people in supervisory or managerial positions at the workplace to serve as Investigative Officers for harassment issues. Generally, this will be the Office Manager and your employer.

The Investigative Officers may appoint "designees" to assist them in handling harassment complaints. Persons appointed as designees shall not conduct an investigation until they have received training equivalent to that received by the Investigative Officers. The purpose of having several people to whom complaints may be made is to avoid a situation

in which an employee is faced with complaining to the person, or a close associate of the person, who would be the subject of the complaint.

Complaints of acts of harassment or retaliation that are in violation of the harassment policy will be accepted in writing or orally, and anonymous complaints will be taken seriously and investigated. Anyone who has observed harassment or retaliation should report it to a designated Investigative Officer. A complaint need not be limited to someone who was the target of harassment or retaliation.

Only those who have an immediate need to know, including the Investigative Officers and/or his or her designee, the alleged target of harassment or retaliation, the alleged harassers or retaliators, and any witnesses will or may find out the identity of the complainant. All parties contacted in the course of an investigation will be advised that all parties involved in a charge are entitled to respect, and that any retaliation or reprisal against an individual who is an alleged target of harassment or retaliation, who has made a complaint, or who has provided evidence in connection with a complaint is a separate actionable offense as provided in the schedule of penalties. This complaint process will be administered in a manner consistent with federal labor law when bargaining unit members are affected.

B. Investigations

Each Investigative Officer will receive training about harassment and the procedures under this policy and will have the responsibility for investigating complaints or having an appropriately trained and designated Office investigator do so.

When a complaint is made, the Investigative Officer will have the duty of immediately bringing all harassment and retaliation complaints to the confidential attention of your employer. The Investigative Officer will maintain a file on the original complaint and follow-up investigation.

All complaints will be investigated expeditiously by an Investigative Officer or his or her designee. The Investigative Officer will produce a written report which, together with the investigation file, will be shown to the complainant on request within a reasonable time. The Investigative Officer is empowered to recommend remedial measures based on the results of the investigation, and the Office management will promptly consider and act on that recommendation.

C. Cooperation

An effective harassment policy requires the support and example of Office personnel in positions of authority. Office agents or employees who engage in harassment or retaliation or who fail to cooperate with Office-sponsored investigations of harassment or retaliation may be severely sanctioned by suspension or dismissal. By the same token, officials who refuse to implement remedial measures, obstruct the remedial efforts of other Office employees, and/or retaliate against harassment complainants or witnesses may be immediately sanctioned by suspension or dismissal.

V. PROCEDURES AND RULES FOR EDUCATION AND TRAINING

Education and training for employees at each level of the workforce are critical to the success of the Office's Harassment Policy. The following documents will help the Office meet its goals in this area: the Harassment Policy, Statement of Prohibited Conduct, the Schedule of Penalties for Misconduct, and Procedures for Making, Investigating, and Resolving Harassment and Retaliation Complaints. These statements will be provided to each employee, and copies are available from Office management at any time.

Education and training include the following components:

A. For all Office employees:

As part of general orientation, each recently hired employee will be given a copy of the Policy on Harassment and be requested to read and sign a receipt for the Office's policy statement on harassment so that they are on notice of the standards of behavior expected. In addition, supervisory employees will, at their discretion or upon the request of the employee, explain orally the kinds of acts that constitute harassment, the Office's serious commitment to eliminating harassment in the workplace, the penalties for engaging in harassment, and the procedures for reporting incidents of harassment.

B. For all employees:

All persons employed at the Office may be asked to participate on office time in seminars that teach strategies for resisting and preventing harassment. When and if offered, these seminars will be conducted by one or more experienced harassment educators, including one instructor with work experience in the trades.

- C. For all employees with supervisory authority over other employees and all employees working in a managerial capacity:

All supervisory personnel may be asked or required to participate in annual training sessions on discrimination. At least one third of each session should be devoted to education about workplace harassment, including training (with demonstrative evidence) as to what types of remarks, behavior, and pictures will be tolerated in the Office workplace. Each participant will be informed that they are responsible for knowing the contents of the Office's Harassment Policy and for giving similar presentations at safety meetings to employees.

**ACKNOWLEDGMENT OF RECEIPT OF THE
OFFICE STATEMENT ON HARASSMENT**

I acknowledge that I have been given a copy of the Office's Statement on Harassment.

I understand that the statements contained in the Statement on Harassment are not intended to create any contractual or other legal obligations regarding my employment status, and that my employment is and remains "at will." I also understand that the Office at any time may modify or rescind any of its policies, benefits, or practices described in the Statement on Harassment, except for its policy of at-will employment and those policies required by law.

I acknowledge that it is my responsibility to read and become familiar with the contents of the Statement on Harassment, and I agree to do so and to abide by it.

Dated: _____

Signature: _____

Print name: _____

Note to the employee: The original of this form will go into your personnel file. A copy will be provided to you after you sign this Acknowledgment.