CAUTION: The following is a “generic” no-harassment policy based primarily on federal law. Anyone using it should consult with applicable state and local laws, and customize it as needed, taking into account state and local law, the company’s size and organizational structure, and the company “culture,” among other things.

MODEL NO-HARASSMENT POLICY

**(Revised November 2023)**

The Company is committed to maintaining a work environment that is free from discrimination and in which employees at all levels can devote their full attention and best efforts to the job. Harassment has no place in the work environment. The Company does not authorize and will not tolerate any form of harassment based on the following:

Race, sex (including pregnancy and pregnancy-related conditions), gender identity, sexual orientation, national origin, color, age, disability, religion, or any other characteristic that is protected by law. (CLIENT NOTE: Many state and local laws may prohibit harassment based on other criteria, including ancestry, appearance, and marital status. Be sure to consult with the applicable laws in your jurisdiction and edit this generic policy accordingly. Also, as a matter of company policy, you may prohibit harassment based on characteristics that are not protected by your applicable law. Please be aware that after the June 2020 Supreme Court decision in *Bostock v. Clayton County*, discrimination or harassment based on sexual orientation or gender identity is prohibited by Title VII of the Civil Rights Act of 1964.)

This policy applies to management and non-management employees alike, and even to non-employees who harass our employees. A confirmed complaint of harassment will result in disciplinary action, up to and including termination of employment. If the confirmed harassment is by a non-employee, the Company will take other action that is appropriate under the circumstances (for example, terminating a business relationship).

The examples below are just that – examples. It is impossible to list every type of behavior that can be considered harassment in violation of this policy. In general, any conduct based on these traits that could interfere with an individual’s work performance or could create an offensive environment will be considered harassment in violation of this policy. ***This is the case even if the offending employee did not mean to be offensive. It is essential that employees be sensitive to the feelings and perceptions of others.***

# Harassment Based on Sex, Pregnancy or Pregnancy-Related Conditions, Gender Identity, or Sexual Orientation

Sexual harassment (whether opposite-sex or same-sex, or based on gender identity or sexual orientation) is strictly prohibited. Examples include the following:

* Sexually offensive jokes or comments
* “Sexist” or “discriminatory” comments or behavior (in other words, conduct that demeans other individuals because of their sex, gender identity, or sexual orientation, even if not vulgar, lewd, or sexually provocative)
* Physical assaults or other touching that is sexual in nature
* Promising favorable treatment or threatening unfavorable treatment based on the employee’s response to sexual demands
* Displays of sexually oriented reading materials or pictures, including electronic materials
* Punishing an employee for complaining about harassment, including but not limited to, any of the above

# Sexual harassment based on pregnancy or related conditions is likewise prohibited. Examples include the following:

* Assigning, without a valid reason, more physically demanding work duties upon learning that the employee is pregnant
* Negative comments about an employee’s decision to become pregnant, to carry the baby to term, the number of children the employee has, the employee’s need for pregnancy-related accommodations at work, the employee’s decision to end a pregnancy, or the appearance of the employee as a result of the pregnancy or postpartum phase
* Negative comments about the fact that an employee will need to take maternity leave, or is taking maternity leave
* Negative comments about an employee’s need for lactation breaks or space
* Punishing an employee for complaining about pregnancy-related harassment

# Harassment Based on Race, National Origin (ethnic group), Color, Age, Disability, or Religion

Harassment based on these other traits deserves special mention and is also strictly prohibited. Examples include the following:

* Jokes or negative comments about these characteristics
* Displays of reading materials or pictures containing negative material about these characteristics, including electronic materials
* Vandalism or “pranks” based on these characteristics
* Name-calling based on these characteristics
* Punishing an employee for complaining about any of these types of harassment

*Special note about religion.* It is not a violation of this Policy for employees to discuss religion, or to read or view religious materials, at work during non-working time and in non-working areas. However, excessive “preaching” that is unwelcome to others, or adverse treatment of others because of their beliefs, different beliefs, or lack of belief, may be considered “harassment” within the meaning of this Policy.

## “Harassing” Use of Electronic Communications

For purposes of this policy, “Electronic Communications” includes use of the company computer system, use of the company email system, use of a personal computer, use of a portable electronic device whether personal or issued by the Company, use of a personal email account, text messaging, instant messaging, use of the internet, and use of any social media, including Facebook, X, Instagram, Snapchat, or other platform. Harassment through the use of Electronic Communications is prohibited, whether the harassment occurs via a company-issued computer or device, or whether it occurs via the employee’s personal computer or device.

This policy protects employees from harassment by other employees, as well as harassment by customers or vendors of the Company, or any other person or entity who is in a business relationship with the Company. It also prohibits employees from harassing other employees, as well as customers, vendors, or any other persons or entities who are in a business relationship with the Company.

Use of Electronic Communications for any harassing purpose (as defined above) will be treated as a violation of ***both*** this No-Harassment Policy ***and*** the [Specify client name of computer/internet usage policy]. Examples of “dual violations” include the following:

* Using email or text messaging to transmit messages, jokes, or other material that is defined as “harassing” in this Policy **(*this includes forwarding or showing the material to others*)**
* Viewing pornographic or other offensive material (such as racist websites) on company computers, including company-issued laptop computers or mobile devices
* Electronic “pranks” or harassment through social media – based on the protected status of the victim (race, sex, pregnancy, gender identity, sexual orientation, national origin, age, disability or religion), or in retaliation for a harassment complaint

If you receive an unwanted Electronic Communication, you should immediately notify your Human Resources representative, who will work with the IT department and possibly others, to resolve the situation. Do not destroy or delete the communication until you are instructed to do so by the Company’s legal counsel, or by your HR and IT representatives. Do not forward it or show it to anyone else in the meantime unless you believe that law enforcement should be notified. In that event, follow the instructions of law enforcement. If for any reason you are not comfortable notifying your Human Resources representative, then you should notify [DESIGNATE].

**Reporting Harassment**

The Company cannot resolve matters that it does not know about. Every employee has a duty to immediately report harassment so that the Company can try to resolve the situation. You should report harassment when

* You **believe that you have been or are being** harassed
* You **believe that someone else has been or is being** harassed

This is true whether the alleged harasser is an employee, a supervisor or manager, an executive of the Company, or even a non-employee, such as a customer or vendor with whom the Company does business.

***To report harassment, you may contact any member of management. In most cases, the complaint will be sent to the Human Resources Department, which will follow up with you and begin an investigation. If the harassment is by an executive of the Company, including the Chief Executive Officer, you may directly contact the designated members of the Company’s Board of Directors (names and contact information provided below).* [Alternative if harasser is an executive: Designate an outside ombudsperson to receive those complaints, and provide that person’s name and contact information in the policy.]**

 BOARD MEMBERS/OMBUDSPERSON

 [List names and contact information]

Once your report has been received, the Company or outside counsel will

* Conduct a prompt and thorough investigation
* Discuss the results with the complaining employee and, where appropriate, the action to be taken
* Keep the investigation and results as confidential as possible
* If the complaint is verified, take appropriate corrective action, up to and including termination of employment of the harassing employee

No employee will be punished for bringing a good-faith report of harassment to the Company’s attention or for cooperating in an investigation. “Good faith” means only that you had an honest belief that harassment was, or might have been, occurring in violation of this Policy.

# Reporting Retaliation

This policy strictly prohibits retaliation against employees who make complaints of harassment in good faith, as defined above.

If you believe you or another individual have been retaliated against (punished) for making a harassment complaint, then you can report the retaliation to any of the same people to whom you would make a complaint of harassment. (See “Reporting Harassment,” above.) However, you should not report it to the individual who you believe is retaliating against you or the other individual.

All complaints of retaliation will be promptly investigated. A substantiated complaint of retaliation will result in disciplinary action, up to and including termination of employment.

# Our Commitment to an Effective No-Harassment Policy

Finally, if you feel that the Company has not met its obligations under this policy, or if you are not satisfied with the way in which your report of harassment was handled, you should contact **[name(s) and/or title(s) of designated individual(s), preferably with authority over those responsible for investigating and responding to harassment complaints; could include Board Members or ombudsperson]**. An effective No-Harassment policy depends on all of us, working together, to address this very important subject.