

Model Policy: Sexual harassment

Why you need this policy:

Personnel issues are among the most difficult problems faced by law office managers. And few personnel issues are any more difficult than sexual harassment.

How this policy helps you:

The starting point in managing sexual harassment is to establish a clearly written, specific policy that includes a/an:

- Policy statement indicating that sexual harassment will not be tolerated;
- Defines what sexual harassment is;
- Explanation of the roles and responsibilities of different personnel in preventing sexual harassment;
- Procedure for employees to file sexual harassment complaints;
- Procedure for investigating such complaints; and
- Statement giving the practice the right to discipline employees for sexual harassment up to and including termination.

How to use this policy:

Use this Model Policy as a template and make sure you adjust it to incorporate your own policies and procedures. One of the provisions that you do not want to delete is the statement barring retaliation against employees for filing sexual harassment complaints.

THIS TOOL AND HUNDREDS MORE AVAILABLE AT: [HTTP://WWW.LAWOFFICEMGR.COM](http://www.lawofficemgr.com)

Law Office Manager assumes no responsibility for the effectiveness or legality of any of its online templates or tools. **Always consult your legal counsel and management before implementing any new policies or procedures.**

Model Policy: Sexual harassment

ABC Law Firm

1. Statement of policy

Sexual harassment is illegal, immoral and unacceptable. The ABC Law Firm has zero tolerance for sexual harassment and is committed to providing a workplace in which all employees are treated with courtesy, professionalism, and respect.

2. Purpose of policy

The purpose of this Policy is to prevent sexual harassment in all forms by defining our expectations of harassment-free behavior, setting out a framework for receiving and investigating, and, when necessary, imposing discipline on those who engage in sexual harassment in violation of this Policy.

3. What is sexual harassment

a. General definition: Sexual harassment, for purposes of this Policy, includes any unwelcome sexual advances, requests for sexual favors or any conduct of a sexual nature that creates a hostile work environment.

b. Forms of sexual harassment: The most common forms of sexual harassment include:

- Considering the granting or withholding of sexual favors as a condition for employment or decisions affecting advancement, compensation, benefits, or other terms of employment; and/or
- Inappropriate and unwelcome conduct of a sexual nature that interferes with an employee's work performance or has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

c. Examples: Forms of conduct that may constitute sexual harassment include:

- i. **Verbal behaviors** such as sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature;
- ii. **Non-verbal behaviors** such as suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises;

THIS TOOL AND HUNDREDS MORE AVAILABLE AT: [HTTP://WWW.LAWOFFICEMGR.COM](http://www.lawofficemgr.com)

- iii. **Visual displays** such as posters, signs, pin-ups or slogans of a sexual nature, or viewing pornographic material or websites;
- iv. **Physical behaviors** like inappropriate and unwelcome touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act, or actual assault; and
- v. **Textual/electronic harassment** such as "sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

4. Responsibilities of individual employees

Each individual employee of ABC Law Firm, including partners, associate attorneys, paralegals, administrative staff, and other workers have a duty to refrain from engaging in sexual harassment in the workplace. An individual employee who sexually harasses a co-worker will be subject to disciplinary action up to and including termination in accordance with ABC Law Firm policy and any collective bargaining agreement that may apply.

5. Responsibilities of management

Supervisors and persons in a management position are the first line of defense against sexual harassment. Each supervisor or manager is responsible for maintaining the workplace free of sexual harassment, promoting a professional environment and establishing a standard of behavior. Supervisors and managers are also responsible for receiving and investigating sexual harassment the same way they handle other forms of employee misconduct. Supervisors and managers must ensure that all employees who file sexual harassment claims receive proper support from ABC Law Firm and suffer no form of retaliation.

6. Procedures for filing a sexual harassment complaint

Employees who observe or believe themselves to be the object of sexual harassment should deal with the incident as directly and firmly as possible by clearly communicating their position to the offending employee, her/his supervisor, and ABC Law Firm contact:

a. If possible, first ask offender to stop: Employees who feel they are being sexually harassed are encouraged to first express their concerns to the person engaging in the behavior and ask them to stop and resort to the ABC Law Firm sexual harassment complaint system only when such attempts to confront the offending employee fail or where they feel attempting such confrontation is not a viable option.

THIS TOOL AND HUNDREDS MORE AVAILABLE AT: [HTTP://WWW.LAWOFFICEMGR.COM](http://www.lawofficemgr.com)

b. No retaliation: ABC Law Firm recognizes how intimidating it can be to bring a sexual harassment complaint especially when the person sexually harassing you is a supervisor or person in authority. To help us keep ABC Law Firm free of sexual harassment, we encourage employees to step forward and let us know of their concerns and assure you **that no one will suffer retaliation of any kind for making a good faith sexual harassment complaint (or serving as a witness in such a case) even if we later determine that the complaint is not substantiated.**

c. Documentation of incident: To initiate the ABC Law Firm sexual harassment complaint procedure, employees must complete a written record of complaint documenting the key details, including what was said, done, the date, the time, place, witnesses, etc., of each alleged incident of sexual harassment. Such complaints will be made to *[list who receives sexual harassment complaints at your office.]*

d. Investigation of incident: ABC Law Firm will investigate all complaints, including anonymous complaints regardless of how the matter comes to our attention. Complaints will be investigated by a third party who is not involved in the case and who has experience, knowledge, and training in investigating complaints of sexual harassment. *[list who will investigate complaints at your office.]* Complaints will be investigated promptly and thoroughly in a manner that is fair to both the accuser and the accused. The employee filing the complaint and the employee who is accused in the complaint will have equal rights to be interviewed, identify witnesses, and provide documentation pertaining to the complaint.

e. Confidentiality: To the extent possible under the circumstances and where the employee requests it, ABC Law Firm will seek to keep the identity of the employee filing the sexual harassment complaint (and witnesses) confidential. However, we cannot guarantee complete confidentiality because it may be necessary to disclose the accusing employee's (or witness's) identity to allow the accused to defend himself/herself and in accordance with legal requirements.

f. Evaluation and recommendation: The standard for evaluating sexual harassment complaints shall be a preponderance of the evidence. At the completion of the investigation, a recommendation will be made to the appropriate ABC Law Firm management official regarding the resolution of the matter. The recommendation shall be advisory only. After the recommendation has been made, a determination will be made by ABC Law Firm management regarding the resolution of the matter.

THIS TOOL AND HUNDREDS MORE AVAILABLE AT: [HTTP://WWW.LAWOFFICEMGR.COM](http://www.lawofficemgr.com)

7. Discipline for sexual harassment

If warranted in accordance with the findings of the investigation, ABC Law Firm reserves the right to take disciplinary action against any person found to have engaged in sexual harassment in violation of this Policy up to and including involuntary termination.

THIS TOOL AND HUNDREDS MORE AVAILABLE AT: [HTTP://WWW.LAWOFFICEMGR.COM](http://www.lawofficemgr.com)

Law Office Manager assumes no responsibility for the effectiveness or legality of any of its online templates or tools. **Always consult your legal counsel and management before implementing any new policies or procedures.**