**CONTRACTOR LETTERHEAD**

**Equal Employment Opportunity (EEO) Policy, Anti-Harassment Policy, and Complaint Procedure**

**Last updated:** DATE

**Next update:** DATE

**EEO Officer:** NAME AND CONTACT INFORMATION

**EEO Policy Statement**

It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability, or any other characteristic protected by federal, state or local laws. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training.

COMPANY NAME will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, COMPANY NAME will seek to prevent, correct, and discipline behavior that violates this policy.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment.

Managers and supervisors who knowingly allow or tolerate discrimination, harassment or retaliation, including the failure to immediately report such misconduct to the EEO officer, are in violation of this policy and subject to discipline.

**Harassment**

COMPANY NAME prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy.

For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker, or any person working for or on behalf of COMPANY NAME.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

* Verbal harassment includes comments that are offensive or unwelcome regarding a person’s national origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including slurs, jokes, insults, epithets, gestures, teasing, and negative stereotyping.
* Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status or other protected status.

**Sexual harassment**

Sexual harassment is a form of unlawful employment discrimination. Sexual harassment is defined as the above actions, as well as unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities, and other verbal or physical conduct of a sexual nature. Conduct need not be motivated by sexual desire towards another person to constitute sexual harassment.

Sexual harassment occurs when any unwelcome or unsolicited conduct of a sexual nature:

* Is made explicitly or implicitly a term or condition of employment.
* Is used as a basis for an employment decision affecting the employee.
* Unreasonably interferes with an employee’s work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

* Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or “kidding” that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
* Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and Internet postings; or other forms of communication that are sexual in nature and offensive.
* Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual assault.

Courteous, mutually respectful, pleasant, noncoercive interactions between employees that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment.

*Consensual Romantic or Sexual Relationships*

COMPANY NAME strongly discourages romantic or sexual relationships between a manager or other supervisory employee and his or her staff (an employee who reports directly or indirectly to that person) because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff employee. Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others, or at a later date by the staff member, as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work environment. If there is such a relationship, the parties need to be aware that one or both may be moved to a different department or other actions may be taken.

If any employee of COMPANY NAME enters into a consensual relationship that is romantic or sexual in nature with a member of his or her staff (an employee who reports directly or indirectly to him or her), or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify the HR director or other appropriate company officer. Because of potential issues regarding quid pro quo harassment, COMPANY NAME has made reporting mandatory. This requirement does not apply to employees who do not work in the same department or to parties where neither one supervises or otherwise manages responsibilities over the other.

Once the relationship is made known to COMPANY NAME, the company will review the situation in light of all the facts (reporting relationship between the parties, effect on co-workers, job titles of the parties, etc.) and will determine whether one or both parties need to be moved to another job or department. If it is determined that one party must be moved, and there are jobs in other departments available for both, the parties may decide who will be the one to apply for a new position. If the parties cannot amicably come to a decision, or the party is not chosen for the position to which he or she applied, COMPANY NAME will decide which party will be moved. That decision will be based on which move will be least disruptive to the organization as a whole. If no other jobs are available for either party, the parties will be given the option of terminating their relationship or resigning.

**Retaliation**

No hardship, loss, benefit or penalty may be imposed on an employee in response to:

* Filing or responding to a bona fide complaint of discrimination or harassment.
* Appearing as a witness in the investigation of a complaint.
* Serving as an investigator of a complaint.

Lodging a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual’s employment status. However, filing malicious complaints is an abuse of this policy and will be treated as a violation.

Any person who is found to have violated the policy will be subject to discipline up to and including termination of employment.

**Confidentiality**

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. The EEO officer will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files.

**Complaint Procedure**

COMPANY NAME has established the following procedure for lodging a complaint of harassment, discrimination, and/or retaliation. The company will treat all aspects of the procedure confidentially to the extent reasonably possible.

1. Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing (complaint forms available). The EEO officer may assist the complainant in completing a written statement if requested.
2. Upon receiving a complaint or being advised by a supervisor or manager that violation of this policy may be occurring, the EEO officer will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
3. If necessary, the complainant and the respondent (accused person(s)) will be separated during the course of the investigation, either through internal transfer or administrative leave.
4. During the investigation, the EEO officer will interview the complainant, the respondent, and any witnesses to determine whether the alleged conduct occurred.
5. If it is determined that a violation of this policy has occurred, appropriate disciplinary action will be taken. The appropriate action will depend on the following factors:

a) the severity, frequency and pervasiveness of the conduct;

b) prior complaints made by the complainant;

c) prior complaints made against the respondent; and

d) the quality of the evidence (e.g., firsthand knowledge, credible corroboration).

If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, appropriate preventive action will be taken.

1. The complainant will be notified of the results of the investigation in writing.

**Alternative Remedies**

Complainant may choose to use both COMPANY NAME procedures and external procedures available under state and federal law. The time periods within which complaints may be filed with state or federal civil rights agencies are short, within a maximum of 300 days under most circumstances for the U.S. Equal Employment Opportunity Commission (EEOC), and choosing to use the COMPANY NAME complaint procedure does not stop those time periods from running.

 COMPANY OFFICIAL Signature Date