
Harassment-Free Workplace

Commitment to Harassment-Free Workplace

The Firm is committed to maintaining as enjoyable and respectful a workplace as reasonably possible for all colleagues. Therefore, you are prohibited from engaging in any form of unlawful harassment in the workplace and any other behavior that is inconsistent with the spirit and intent of this policy.

Prohibition of Retaliation

In addition, this policy also prohibits retaliation or adverse employment action against any employee or partner who, in good faith, files a complaint under this policy, objects to any conduct that is unlawful, cooperates with any internal or external investigation by the Firm or any government agency, or otherwise pursues his/her legal rights under anti-discrimination or anti-harassment laws.

Definition of Unlawful Harassment

Unlawful harassment is a form of unlawful discrimination. Harassment is unlawful when it: (1) is based on race, color, religion, national origin, sex, sexual orientation, gender identity, transgender status, pregnancy, disability, age (age 40 and over unless a lower age is specified by applicable state or local law), military status, genetic information (as defined in the Genetic Information Non-Discrimination Act), and any other characteristic protected by applicable federal, state, or local law (each of the foregoing being a “protected category” or “protected group”); (2) is unwelcome; and (3) either (i) is severe or pervasive and creates an intimidating, hostile, or offensive work environment or unreasonably interferes with an employee’s work performance; or (ii) is made a condition of employment.

Harassment may encompass a wide range of verbal, physical and visual behaviors and may be sexual or nonsexual in nature. Each situation depends on a number of factors. In some cases, one incident will be sufficient to constitute unlawful harassment. In other cases, a pattern or series of incidents may be necessary.

In addition, even if the behavior in question does not technically meet the definition of unlawful harassment, it may still be inappropriate in our workplace and subject to disciplinary action. For example, a pattern of bullying, verbal abuse, intimidation (overt or covert), and other forms of abusive behavior, even if not based on any protected characteristic or otherwise unlawful, is inappropriate in the workplace.

Examples of Possible Harassment

It is not possible to define every action or word that could be interpreted as harassment or that could constitute unlawful harassment. Harassment can occur in any form. It can be physical, spoken, written, visual, or auditory. Harassment sometimes takes the form of inappropriate touching, oral and/or written communications (including jokes or comments made in jest), or graphic representations and objects. Even if the alleged harasser does not intend to offend someone else, the behavior may still be perceived as unwelcome or offensive by those who are subjected to it. Communications or conduct that might constitute harassment or that might be perceived by others as harassment is not to be communicated in any format.

The following examples are not an all-inclusive list, but are intended to illustrate the range of behaviors that are to be avoided as they might constitute unlawful harassment or, if repeated or continued, could become unlawful in nature. At a minimum, such behaviors are not appropriate in the workplace.

Examples of Possible Sexual Harassment. Examples of possible “sexual harassment” include without limitation:

1. Sexual advances, propositions, flirtations, or innuendo
2. Requests or pressure of any kind for sexual favors, activities or contact
3. Sexually suggestive, explicit, graphic, abusive, degrading, intimidating or offensive language, jokes, comments, remarks, gestures, or body language
4. Physical contact or touching of a sexual nature, including unwanted kissing or rubbing, intentional contact with private body parts, physical or sexual assault
5. Display, circulation or communication or any sexually suggestive, explicit, graphic, or offensive objects, pictures or materials of any kind

Examples of Possible Harassment Based on Other Protected Categories

Examples of possible “non-sexual harassment” based on other protected categories include without limitation:

1. Derogatory, offensive, disparaging, threatening, intimidating, or negative labelling, stereotyping, comments, conduct, or communications (whether oral or written) about any protected category or group (as defined and listed earlier in this policy) or about any individual because of membership within a protected category or group
2. Slurs, insults, epithets, written or graphic materials, objects, or any other comments or conduct that denigrate or show hostility or aversion toward a protected category, protected group, or an individual because of membership within a protected category or group

3. Jokes, cartoons, or any other conduct, objects or communications of any kind (whether oral, written, mimicked, etc.) that belittle, degrade, put down, or insult any protected category, protected group, or individual because of membership within a protected category or group (even if they are intended to be humorous or made/done in jest)

The Firm wishes to call particular attention to its position that no bulletin boards, physical locations (such as walls, desks, doors, electronic displays, etc.), distribution or circulation channels (such as mail, inter-office delivery, e-mail, instant messaging, video conferencing, etc.), or electronic devices or telecommunication methods of any kind are to be used inappropriately. More specifically, the following electronic devices and features are not to be used to communicate anything that might constitute harassment, including, without limitation, e-mail (including sending, replying, forwarding, retaining, or storing them), video conferencing, voicemail, office telephones, cell or mobile phones, electronic messaging of any kind (including, without limitation, text messaging, instant messaging, electronic chat, Tweeting, postings on social media sites or chat rooms or other sites on the Internet), computers, fax machines, copy machines, recordings of any kind (such as audiotape, videotape, CD's, CD-ROM's and DVD's), image capturing (such as cameras, cameras on phones, other imaging devices), or other electronic means.

Reporting Procedures

One of the goals of this policy is to prevent workplace harassment. This means the Firm expects you to conduct yourself in a manner that will not violate this policy. Likewise, the Firm expects you to take reasonable steps to stop harassment if it occurs and to avoid being the victim of harassment.

In some cases, you may feel comfortable with nicely confronting the harasser, explaining that the harasser's behavior is unwelcome or offensive, and asking that it stop. In other cases, you may prefer to report the incident to a designated Firm official instead of confronting the harasser. And in other situations, you may need to report the harassment to a designated Firm official if the harassment continues after you have asked the harasser to stop the harassment.

If at any time you believe in good faith that you have been subjected to harassment, retaliation, or other conduct in violation of this policy, you are strongly encouraged to immediately report it to one of the individuals listed below. In *addition*, if you observe what you believe in good faith might constitute harassment of another employee or other violation of this policy, or learn from a reliable source that any other employee has been subjected to harassment or other conduct in violation of this policy, you are encouraged to immediately report the incident to one of the individuals listed below.

The incident should be reported immediately or as soon as possible after it occurs. The sooner it is reported, the more promptly the matter can be addressed by the Firm to stop any inappropriate behavior and before it can occur again.

The incident is to be reported to any one of the following designated Firm officials by phone, e-mail, in person, or by other written method (but **not** by text or instant messaging):

1. The Human Resources Department
2. Any member of the Firm's Diversity and Inclusion Committee
3. The Managing Partner of office where you work if the office has a designated Managing Partner
4. Any member of the Firm's Executive Committee
5. The Chair of the Firm

Supervisory Responsibilities

If a situation that might constitute harassment (or seems to be inconsistent with the spirit of this policy) comes to the attention of any member of Firm management (defined as any partner, director, or supervisor at the Firm), the member of Firm management who learns of it has an obligation to immediately report the matter to the Human Resources Department. Such situations might come to the attention of a member of Firm management in any number of ways, such as: (1) the individual who has been harassed might report it directly to a member of Firm management; (2) another individual might witness or learn about the harassment and then report what he/she has seen or heard to a member of Firm management; or (3) a member of Firm management might directly observe the harassment taking place. If there is any question about whether or not a particular situation is a violation of this policy or whether it should be reported to the Human Resources Department, the member of Firm management is to report it.

Investigation

Upon receipt of a report or complaint, the Firm (normally the Human Resources Department) will promptly address the matter and will, if necessary, undertake an objective and thorough investigation (conducted by the Human Resources Department or its designee or at its direction by an outside investigator). The investigation will generally include interviewing the individual who reported or was subjected to the harassment, the alleged harasser, and potential witnesses, as well as reviewing documents and other materials.

Confidentiality

Confidentiality of the reporting party's identity and the complaint will be maintained to the extent reasonably possible under the circumstances and consistent with an investigation that is fair and impartial to both the reporting party, those who are alleged to have been harassed or retaliated against, and the alleged harasser or accused.

Determination

Upon conclusion of any investigation or review, the Firm will determine if the behavior in question constitutes unlawful harassment, any form of inappropriate conduct even if not unlawful, or any other violation of this policy. In making this determination, the Firm will look at numerous factors, including the totality of the evidence and circumstances as well as the credibility of the parties and witnesses.

Communication of Outcome

To the extent that it would be appropriate to do so, the Firm will communicate the general outcome of the investigation and other appropriate information to the individual who was allegedly harassed (which might also be the individual who reported the incident), the alleged harasser, and any others who have a legitimate need to know.

Consequences for Violating this Policy

If the Firm has reasonable cause to believe, or believes that it is more likely than not, that a violation of this policy has or may have occurred or that the behavior in question was otherwise inappropriate for the workplace, then the Firm will take appropriate action. Such action may include disciplinary action, up to and including discharge (or expulsion from the Firm partnership or discontinuing representation of a client who has engaged in unlawful harassment), or other forms of corrective or remedial action (such as refresher training, executive coaching, etc.).