



12 STEPS TO AN EXEMPLARY CORPORATE ENVIRONMENT

---

# ANALYZING ANTI-HARASSMENT POLICIES, PRACTICES, COMMUNICATIONS AND TRAINING

**FAEGRE BAKER  
DANIELS**

FAEGREBD.COM →

Faegre Baker Daniels' labor and employment team helps employers develop exemplary corporate environments by reviewing anti-harassment policies and procedures and recommending and helping implement enhancements. We perform the 12 steps below for a predictable flat fee.

01



### POLICY REVIEW

- Comprehensively review policies, including all with an anti-harassment aspect, such as the social media usage policy
- Recommend steps to harmonize expectations for behaviors consistent with a company culture of zero tolerance of harassment across all policies and practices
- Evaluate how well policies create accountability and ensure clear communication of available reporting channels

02



### EXPERIENCE REVIEW AND ANALYSIS

- Review harassment claims experience and past and current practices for preventing and addressing harassment
- Consider (a) what has been and should be learned from past “skeletons”; (b) what metrics exist and what they tell us; and (c) what other metrics are advisable for ongoing monitoring

03



### REPORT AND INVESTIGATIVE PROCESSES REVIEW

- Review established reporting avenues and practices for investigating and resolving harassment concerns at all company levels
- Evaluate effectiveness across the spectrum (e.g., what channels are most used, how they are perceived, how effective and well-documented investigations are, how fair and effective remedial actions are)
- Recommend and assist in developing and implementing all needed improvements
- Assist in any requested investigations

**FAEGRE BAKER  
DANIELS**

FAEGREBD.COM →

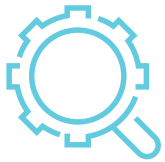
04



## COMMUNICATIONS PLAN TO SET EXPECTATIONS

- Create and implement a plan for announcing cultural standards and behavioral expectations
- Set a tone within the plan that the company will be a workplace of respect at all levels
- Identify audiences and propose potential communication programs, considering means such as broad theme companywide communications, employee surveys about awareness of the company's anti-harassment commitment and company perceptions, incorporation of impactful messaging in employee meetings, and talking points for people leaders and HR personnel

05



## ACCOUNTABILITY MECHANISMS DEVELOPMENT

- Create additional mechanisms for holding everyone accountable for contributing to the company's culture of respect
- Integrate accountability across training, complaint and investigative processes, appropriate policies, regular top-down communications, and daily behaviors
- Propose evaluative criteria at all levels for compliance

06



## INTEGRATION WITH BUSINESS OBJECTIVES

- Advise on how to integrate anti-harassment policies and practices with other, regular and necessary business practices (e.g., counseling of poor performers, disciplinary processes, internal dispute resolution, including mandatory arbitration agreements)

07



## NO-RETALIATION AND FAIRNESS ASSURANCES

- Propose ways to ensure there will be no retaliation for making good-faith harassment reports and cooperating in investigations
- Review practices for ensuring fairness, including how best to address instances where no harassment is found, but management challenges such as interpersonal conflicts are disrupting operations
- Offer recommendations on coaching, mentoring, performance criteria, etc.

**FAEGRE BAKER  
DANIELS**

FAEGREBD.COM →

08



## ENHANCED TRAINING

- Review existing anti-harassment training and make recommendations on content and delivery format to enhance programs at all staff levels
- Present anti-harassment training to the company's employees and managers if desired

09



## RETROSPECTIVES STRATEGY

- Help anticipate likely “lookback”/“me too” reports arising both from new communications and trainings and the larger context of news stories
- Provide a plan for addressing reports of past situations

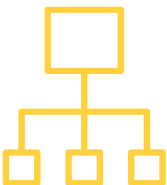
10



## FEDERAL/STATE LAW COMPLIANCE

- Make recommendations to address compliance of all policies, programs, communications and training with not only federal law, but also with additional requirements imposed at the state and local levels

11



## CORRELATED BEST PRACTICES DEVELOPMENT

- Advise on best practices in all aspects of an anti-harassment program, including:
  - ▷ Promoting greater understanding for and appreciation of cultural differences, incorporating applied social psychology principles
  - ▷ Promoting coaching/mentoring relationships that build valuable personal connections in an environment of respect
  - ▷ Applying anti-harassment standards to interactions with third parties such as customers, vendors, business partners and affiliates
  - ▷ Standards and practices regarding electronic communications (texts, emails, etc.)
  - ▷ Business travel behavioral expectations
  - ▷ Standards of conduct considerations in planning events (including off-sites), such as policies on serving or providing alcohol
  - ▷ Responsibilities of “bystanders” – both front-line and people leaders

# 12



## LEGAL RISK MITIGATION, INCLUDING PRIVILEGE CONSIDERATIONS

- Incorporate legal risk mitigation best practices into the review and development of all policies, practices and trainings
- Include advice on effective processes for investigating concerns under the attorney-client privilege where appropriate

## POTENTIAL RELATED SERVICES

- Creation of new training materials
- Initial training at executive/management levels
- Train-the-trainer sessions
- Per day support services (remote or onsite)
- Investigations of employee complaints

### ADVISORS



#### Jennifer Hull

Partner | Fort Wayne

+1 260 460 1787

[jennifer.hull@FaegreBD.com](mailto:jennifer.hull@FaegreBD.com)



#### Dan Prokott

Partner | Minneapolis

+1 612 766 7713

[daniel.prokott@FaegreBD.com](mailto:daniel.prokott@FaegreBD.com)



#### Susan Kline

Partner | Indianapolis

+1 317 237 1059

[susan.kline@FaegreBD.com](mailto:susan.kline@FaegreBD.com)

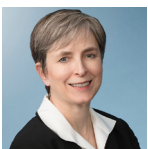


#### Stacey Smiricky

Partner | Chicago

+1 312 212 6525

[stacey.smiricky@FaegreBD.com](mailto:stacey.smiricky@FaegreBD.com)



#### Kathy Noecker

Partner | Minneapolis

+1 612 766 8604

[kathy.noecker@FaegreBD.com](mailto:kathy.noecker@FaegreBD.com)



#### Mary Will

Partner | Denver

+1 303 607 3771

[mary.will@FaegreBD.com](mailto:mary.will@FaegreBD.com)

**FAEGRE BAKER  
DANIELS**

[FAEGREBD.COM](http://FAEGREBD.COM)