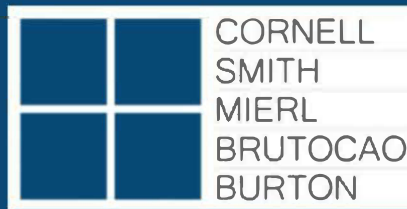


# DEFENSIVE DRAFTING of HANDBOOKS



**CONNIE CORNELL**  
1607 West Avenue  
Austin, Texas 78701  
ccornell@cornellsmith.com  
(512) 328-1540



1

## EEO Policies

- Define Prohibited Discrimination:  
Age, Race, National Origin, Religion, Sex (Gender; Gender Stereotyping; Sexual Orientation; Gender Identity; Transgender Status), State Specific Protected Classes
- Process for Disability Accommodation Requests
- Process for Religious Accommodation Requests
- Prohibit Retaliation
- Process for Reporting Discrimination / Harassment / Retaliation



2

## Harassment Policy – Definitions

- Define Prohibited Harassment:  
Age, Race, National Origin, Religion, Sex (Gender; Gender Stereotyping; Sexual Orientation; Gender Identity; Transgender Status), State Specific Protected Classes
- Consider using definition of sexual harassment from amended Texas TCHRA
- Includes Conduct of Employees / Customers / Vendors / Contractors / Cotenants / Etc.



3

## Harassment Policy – Reporting Process

- Provide Process for Reporting Discrimination / Harassment / Retaliation
- Careful encouraging employees to address their concern with the harasser!



4

## Harassment Policy – Reporting Process

- Report to HR or Top Mgmt. Telling the harasser to stop is not a report!
- Don't assume others know conduct is unwelcomed. (Don't rely on a witness to report for you)
- Report again if conduct continues. Don't assume result of investigation will be the same.



5

## Harassment Policy – Investigation Process

The Company will investigate and take immediate and appropriate corrective action.

Employee cooperation in Company investigations is mandatory.

Don't guarantee confidentiality.

X Information will be shared only with those who need to know

✓ While confidentiality cannot be guaranteed, the company will endeavor to limit the information to those with a need to know.



6

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## Title search: Defensive Drafting of Handbooks

Also available as part of the eCourse

[Essential Employment Law “Nuts and Bolts”](#)

First appeared as part of the conference materials for the  
2022 Essential Employment Law: A Practical Course in the Basics session  
"Handbooks / Employment Policies"