



A PRIMER ON COMPLIANCE WITH FCC EEO REQUIREMENTS

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Introduction

The Federal Communications Commission (FCC) has, since 2003, imposed a number of obligations on broadcasters with respect to their hiring practices. Those obligations are generally set out in Section 73.2080 of the Commission's rules, a copy of which is included as Attachment A to this Primer.

The rules require most broadcasters to undertake extensive and detailed record keeping and to prepare periodic reports throughout the license term. Compliance with these rules may be a factor considered in connection with renewal applications and non-renewal-related enforcement proceedings. Broadcasters should familiarize themselves with the rules and implement procedures to assure compliance.

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EEO RULES AND POLICIES

I. General EEO Policy

All licensees and permittees of commercial or non-commercial radio and television stations, regardless of size, must afford the opportunity for employment to all qualified persons and cannot discriminate in hiring because of race, color, religion, national origin or sex. Religious broadcasters can establish religious belief or affiliation as a legitimate qualification for all employment opportunities but cannot otherwise discriminate.

II. EEO Program Requirements

Every broadcast station with five or more full-time employees must have a general program to accomplish the following:

- A. Define responsibility of each level of management to ensure enforcement of EEO policies and establish a procedure for review and control of management performance;
- B. Inform employees and recognized employee organizations of the station's EEO policies and programs and enlist their cooperation;
- C. Communicate its EEO program and policies to sources of qualified applicants and solicit their recruitment assistance on a continuing basis;
- D. Conduct a continuing program to exclude all unlawful forms of prejudice or discrimination in its personnel policies, procedures and working conditions; and
- E. Conduct a continuing review of job structure and employment practices and adopt positive recruitment, job design, and other measures to ensure EEO compliance at all levels and areas of job opportunities.

III. Recruitment Compliance Methods

All station employment units¹ with five or more full-time employees² must comply with the following three-prong outreach recruitment requirements:

¹ A "station employment unit" is defined by the Commission as a station or group of stations commonly owned in the same market that share at least one employee. Station employment units that have fewer than five full-time employees are exempted from these outreach provisions. Station employment units with five to ten full-time employees and those in small markets are required to perform only two, rather than four, outreach activities during a two year period.

² For purposes of EEO, except in situations where there is a 51% or greater single
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A. PRONG 1. Recruit for All Full-Time Vacancies

Station employment units must widely disseminate information concerning each full-time (30 hours or more)³ job vacancy. This requirement does not apply to temporary or part-time hires⁴ or vacancies or full-time hires that are (a) filled in exigent circumstances⁵ or; (b) filled by internal promotion; and

B. PRONG 2. Notification to Community Groups

Station employment units must provide notification of *all* full-time job openings to any organization that distributes employment opportunities to job seekers or refers job seekers to potential employers and has requested to be notified⁶; and

C. PRONG 3. Menu Options

Station employment units must engage in a specified number of activities selected from a menu of options. Station employment units must complete two (for employment units with five to ten full-time employees or smaller market stations⁷) or four (for employment units with more than ten full-time employees located in larger markets) longer-term recruitment initiatives within a two-year period.

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owner, owners holding a 20% or greater voting interest are *not* considered as "employees".

³ For purposes of EEO, the FCC defines "full-time employee" as a permanent employee whose regular work schedule is thirty hours or more per week.

⁴ For purposes of EEO, the FCC defines "part-time hires" as a permanent employee whose regular work schedule is less than thirty hours per week.

⁵ A note about the "exigent circumstances" exception: while the FCC has indicated that exigent circumstances may excuse a licensee from the "wide dissemination" requirement in some instances, the Commission has cautioned that that exception may be subject to abuse "as a means of avoiding regular recruitment" and should be used only rarely. Licensees who invoke the "exigent circumstances" repeatedly may be inviting heightened Commission scrutiny.

⁶ To be entitled to such notices, a requesting organization must provide the station with its name, mailing address, email address (if applicable), telephone number, and contact person, and identify the category of vacancies of which it requests notice (an organization may request notice of all vacancies).

⁷ The FCC defines "smaller market" stations for this purpose as any station employment unit consisting solely of a station or stations licensed to a community that is located in a county that is outside all metropolitan areas, as defined by the Federal Office of Management and Budget, or is located in a metropolitan area that has a population of fewer than 250,000 persons.

These Menu Options include:

- (1) participation in at least four job fairs by employment unit personnel who have substantial responsibility in making hiring decisions;
- (2) hosting at least one job fair;
- (3) co-sponsoring job fairs with women=s and minority groups in the business and professional community;
- (4) participation in at least four events sponsored by community groups active in broadcast employment issues, including conventions, career days, workshops and similar activities;
- (5) establishment of an internship program designed to assist members of the community to acquire skills needed for broadcast employment;
- (6) participation in general outreach efforts through job banks, Internet programs, and similar programs;
- (7) participation in scholarship programs directed to students interested in pursuing a career in broadcasting;
- (8) the establishment of training programs designed to enable employment unit personnel to acquire skills that could qualify them for higher level positions;
- (9) the establishment of mentoring programs designed to enable employment unit personnel to acquire skills that could qualify them for higher level positions;
- (10) participation in at least four events or programs relating to career opportunities in broadcasting sponsored by educational institutions;
- (11) sponsorship of at least two events in the community designed to inform the public as to employment opportunities in broadcasting;
- (12) listing each upper-level opening in a job bank or newsletter of a media trade group with broad based membership, including participation of women and minorities;
- (13) providing assistance to outside non-profit entities in the maintenance of web sites that provide counseling on the process of searching for broadcast employment and/or other career development assistance pertinent to broadcasting;
- (14) providing training to management level personnel as to the methods of ensuring equal employment opportunity and preventing discrimination;
- (15) providing training to personnel of outside non-profit recruitment organizations that would enable them to better refer job candidates for broadcast positions; and
- (16) participation in activities other than the 15 above-listed options that the licensee has designed to further the goal of disseminating information about employment opportunities in broadcasting to job candidates who might otherwise be unaware of such opportunities.

The Commission expects licensees to periodically review and analyze the methods they have selected and make changes if they perceive any problem with the effectiveness of the program.

IV. Record Keeping and the Public File

All station employment units with five or more full-time employees must compile and retain documentation concerning their compliance with the three recruitment prongs. This documentation need not be routinely submitted to the Commission or placed in the station's public file, but must be provided to the Commission upon request in the event of an investigation or audit. This documentation is the basis for the station's EEO public file report which stations are required to prepare annually. As explained below, the EEO public file report must be placed in the station's public inspection file and must be routinely submitted to the Commission.

A. Record Keeping

All station employment units with five or more full-time employees must retain documentation concerning their compliance with the three recruitment prongs. This documentation must be retained by the station, but need not be routinely submitted to the FCC. This documentation should include the following:

- (1) listings of all full-time jobs filled, identified by job title;
- (2) the recruitment sources used to fill each vacancy, including any organizations which requested notification;
- (3) the address, contact person and telephone number of each recruitment source used to fill each position;
- (4) dated copies of all advertisements, letters, e-mails, faxes, etc. used to fill each vacancy;
- (5) documentation necessary to demonstrate performance of the Prong 3 options, e.g., job fairs, mentoring programs;
- (6) the total number of interviewees for each vacancy and the referral source for each interviewee; and
- (7) the date each job was filled and the recruitment source that referred the hiree.

B. Public File and EEO Public File Report

Using the above-referenced documentation, all station employment units with five or more full-time employees must prepare an EEO public file report.⁶ Annually,

⁶ If a station is subject to a time brokerage agreement (or local marketing agreement), the licensee's EEO public file report should include data concerning *only* its own recruitment efforts to fill full-time jobs and *not* the efforts of the broker. If a licensee is also a broker of another station or stations in the same market in which it is a licensee (a "licensee-broker"), the licensee's EEO public file report should include data concerning its EEO efforts at *both* the owned *and* brokered station. If a licensee-broker is not the licensee of a station in the same

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on the anniversary of the date that its renewal application is due to be filed,⁹ this EEO public file report must be placed in the station=s public file and posted on the station=s web site, if it has one. These reports must be retained in the public file until final action has been taken on the station=s next renewal application. However, not all EEO public file reports need to be maintained on the station=s website. The requirement to post a station=s EEO public file report on its website extends only to the *current* report. The EEO public file report must include the following information:

- (1) a list of all full-time job vacancies filled during the previous year, identified by job title;
- (2) a list of the recruitment sources used to fill each vacancy, including the address, contact person and telephone number of each recruitment source;
- (3) a list of the recruitment sources that referred the people hired for each full-time vacancy;
- (4) data reflecting the total number of persons interviewed for full-time vacancies during the preceding year and, for each recruitment source used in connection with any such vacancies, the total number of interviewees referred by each recruitment source; and
- (5) a list and description of any Prong 3 menu options implemented during the preceding year.

A number of forms that may be useful in keeping track of the required information are included as Attachments B through G.

V. Filings with the FCC

The FCC has adopted the following forms relating to the Commission=s EEO outreach requirements which must be routinely submitted to the Commission:

A. Broadcast Equal Employment Opportunity Report (FCC Form 396)

At the time of filing the station=s license renewal application, the Broadcast Equal Employment Opportunity Report (FCC Form 396) must be filed by all broadcast stations, regardless of size. Stations in employment units with five or more full-time employees must include (as an attachment to FCC Form 396) copies of the EEO public file reports covering the two-year period preceding the

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market as the brokered station, then it must include information concerning its EEO efforts at the brokered station in the EEO public file report for its own station that is geographically closest to the brokered station.

⁹ A list of the renewal filing dates for radio and television stations is included as Attachment H.

filing of the renewal application. These will form the FCC's basis for review of the broadcaster's EEO compliance at renewal time.

B. *Broadcast Mid-Term Report (FCC Form 397)*

Television stations with five or more full-time employees and radio stations with more than ten full-time employees are subject to a mid-term review. Thus, four years after the date the station's most recent license renewal application was due to be filed, the station must file with the Commission a Broadcast Mid-Term Report (FCC Form 397) and copies of their EEO public file reports for the two years preceding the mid-term review as an attachment to FCC Form 397. This filing will be the basis for mid-term reviews. It must also be placed in the station's public file.

C. *Broadcast Equal Opportunity Model Program Report (FCC Form 396-A)*

At the time of filing an application for the construction of a new broadcast station or for the assignment or transfer or control of an existing broadcast station, a Broadcast Equal Opportunity Model Program Report (FCC Form 396-A) must also be filed. In the case of the sale or transfer of control of a station, the entity required to file FCC Form 396-A is the entity seeking to *acquire* the station.

VI. Outreach Requirements for Religious Broadcasters

Religious broadcasters which elect to apply a religious qualification to all of their employees are not required to comply with the broad outreach recruitment requirements or Prong 3 menu options, although they are still required to keep records and prepare a public file report. Among the potential applicants who are qualified based on their religious belief or affiliation, religious broadcasters must make reasonable good faith efforts to recruit without regard to race, color, national origin or gender. This requirement also applies to religious broadcasters electing to establish a religious qualification for some, but not all, of their positions. For positions that are subject to religious qualification, religious broadcasters need to retain documentation as to the full-time vacancies filled, the recruitment sources used, the date each vacancy was filled and the recruitment sources of the hires. For positions that are not subject to a religious qualification, religious broadcasters must comply with Prongs 1 and 2 and associated record keeping requirements. However, a religious broadcaster that treats five or more of its full-time positions as non-religious is comparable to a broadcaster with no religious qualification and must comply with the Prong 3 menu options. A religious broadcaster electing to treat none of its positions as subject to a religious qualification would also be required to comply with all three prongs.

VII. Enforcement

FCC enforcement of the EEO rules will be based upon information derived from broadcasters themselves during their mid-term review and at renewal time, as well as the following:

A. *Third-Party Submissions*

Petitions to deny, informal objections, other petitions or complaints will be considered by the Commission from all sources if they provide documented allegations of failure to comply with the Commission's EEO rules. The FCC will not necessarily wait until a station's renewal application is filed, but may conduct an investigation immediately when it decides that an adequate showing of non-compliance has been made. Stations would then be required to provide responses to inquiries and may even be subject to on-site inspections.

B. *Random Audits/Inquiries*

The Commission routinely undertakes random audits of EEO performance. Approximately five percent of all licensees in the radio and television services are randomly selected each year for such audits. Initially, the inquiry may request the contents of the station's most recent EEO public file reports. Further inquiry or inquiries may require the submission of documentation of the station's recruitment efforts that is not in the station's public file. Based on the individual circumstances of the case, the inquiry could potentially include, but is not limited to: (1) a request for data covering any period of time during the license term; and (2) interviews of witnesses, including any complainant and present or former employees.

C. *Licensee-Submitted Reports*

Broadcast stations or units with five or more full-time employees must routinely submit the forms described above to the Commission. These reports will be used by both the Commission's staff and others to assess the station's compliance with the EEO rules and policies.

D. *Sanctions*

Should the FCC determine that a station has violated its EEO rules, licensees will be subject to a variety of sanctions and remedies, depending on the seriousness of the violation. Some examples of violations or deficiencies include: (1) engaging in employment discrimination in hiring or promotions; (2) failure to undertake adequate recruitment efforts; (3) failure adequately to assess the effectiveness of previous recruitment efforts; (4) failure to file a mid-term report when due; (5) failure to file an EEO public file report when due; (6) failure to file a Broadcast Equal Opportunity Program Report (FCC Form 396) when due; (7) misrepresentation of outreach efforts or other information; and (8) non-responsiveness or evasion in responding to a written Commission inquiry. Sanctions and remedies that may be issued by the Commission for deficiencies in a licensee's EEO compliance include: (1) written admonishments; (2) FCC imposed reporting conditions; (3) forfeitures; (4) short-term renewal of license; or (5) designation for hearing for possible revocation of license or denial of renewal. The appropriate sanction or remedy will be determined on a case-by-case basis. Sanctions may be greater in cases involving recidivism, continuous EEO non-compliance, or intentional discrimination.

Other Regulatory Considerations

In addition to the FCC's EEO rules, broadcasters should familiarize themselves with other regulatory issues regarding the employment of station personnel. One such employment-related issue broadcasters must be familiar with when recruiting is a potential hiree's legal eligibility for employment under the immigration laws. In addition, station personnel must familiarize themselves with the sexual harassment laws and should implement their own sexual harassment policy.

Legal Eligibility For Employment

It is unlawful for an employer in the United States to (1) knowingly hire an alien who is not properly authorized to work in the United States or (2) deny employment because of national origin or citizen status. If questions arise, we recommend that you consult with an attorney who specializes in immigration law.

Sexual Harassment

Sexual harassment is an important employment issue about which licensees must be sensitive. Licensees should adopt a strong policy statement clearly delineating prohibited conduct and the measures which will be taken against violators. It is recommended that a formal complaint channel be established to provide a readily accessible means for employees to bring alleged misconduct to the attention of management for appropriate investigation and, if warranted, corrective actions. It is advisable to hold meetings at the managerial/supervisory level to inform high level staff of company policies and procedures. In turn, the supervisory staff should have formal meetings with subordinates to ensure that all are familiar with company policies and procedures. Management and staff must be sensitized as to the feelings of other employees and as to the type of conduct found to be offensive. Supervisory staff must be attentive to possible problems and act effectively to stop problems before they become unmanageable. All complaints of sexual harassment should be fully investigated. Action should never be taken against an employee because he or she has made a complaint. Sanctions must be enforced against supervisory staff members who knowingly allow harassment by others.

The model sexual harassment policy included as Attachment I is appropriate for adoption by licensees. Implementation of this policy should prevent potential problems, and even where such problems arise, should serve as evidence of a good faith attempt by the employer and management to ensure that the work environment is free of harassment.



Attachment A

47 C.F.R. Section 73.2080

§ 73.2080 Equal employment opportunities (EEO).

(a) *General EEO policy.* Equal opportunity in employment shall be afforded by all licensees or permittees of commercially or noncommercially operated AM, FM, TV, Class A TV or international broadcast stations (as defined in this part) to all qualified persons, and no person shall be discriminated against in employment by such stations because of race, color, religion, national origin, or sex. Religious radio broadcasters may establish religious belief or affiliation as a job qualification for all station employees. However, they cannot discriminate on the basis of race, color, national origin or gender from among those who share their religious affiliation or belief. For purposes of this rule, a religious broadcaster is a licensee which is, or is closely affiliated with, a church, synagogue, or other religious entity, including a subsidiary of such an entity.

(b) *General EEO program requirements.* Each broadcast station shall establish, maintain, and carry out a positive continuing program of specific practices designed to ensure equal opportunity and nondiscrimination in every aspect of station employment policy and practice. Under the terms of its program, a station shall:

- (1) Define the responsibility of each level of management to ensure vigorous enforcement of its policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance;
- (2) Inform its employees and recognized employee organizations of the equal employment opportunity policy and program and enlist their cooperation;
- (3) Communicate its equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin, or sex, and solicit their recruitment assistance on a continuing basis;
- (4) Conduct a continuing program to exclude all unlawful forms of prejudice or discrimination based upon race, color, religion, national origin, or sex from its personnel policies and practices and working conditions; and
- (5) Conduct a continuing review of job structure and employment practices and adopt positive recruitment, job design, and other measures needed to ensure genuine equality of opportunity to participate fully in all organizational units, occupations, and levels of responsibility.

(c) *Specific EEO program requirements.* Under the terms of its program, a station employment unit must:

(1) Recruit for every full-time job vacancy in its operation. A job filled by an internal promotion is not considered a vacancy for which recruitment is necessary. Religious radio broadcasters who establish religious affiliation as a qualification for a job position are not required to comply with these recruitment requirements with respect to that job position or positions, but will be expected to make reasonable, good faith efforts to recruit applicants who are qualified based on their religious affiliation. Nothing in this section shall be interpreted to require a broadcaster to grant preferential treatment to any individual or group based on race, color, national origin, religion, or gender.

(i) A station employment unit shall use recruitment sources for each vacancy sufficient in its reasonable, good faith judgment to widely disseminate information concerning the vacancy.

(ii) In addition to such recruitment sources, a station employment unit shall provide notification of each full-time vacancy to any organization that distributes information about employment opportunities to job seekers or refers job seekers to employers, upon request by such organization. To be entitled to notice of vacancies, the requesting organization must provide the station employment unit with its name, mailing address, e-mail address (if applicable), telephone number, and contact person, and identify the category or categories of vacancies of which it requests notice. (An organization may request notice of all vacancies).



(2) Engage in at least four (if the station employment unit has more than ten full-time employees and is not located in a smaller market) or two (if it has five to ten full-time employees and/or is located entirely in a smaller market) of the following initiatives during each two-year period beginning with the date stations in the station employment unit are required to file renewal applications, or the second, fourth or sixth anniversaries of that date.

(i) Participation in at least four job fairs by station personnel who have substantial responsibility in the making of hiring decisions;

(ii) Hosting of at least one job fair;

(iii) Co-sponsoring at least one job fair with organizations in the business and professional community whose membership includes substantial participation of women and minorities;

(iv) Participation in at least four events sponsored by organizations representing groups present in the community interested in broadcast employment issues, including conventions, career days, workshops, and similar activities;

(v) Establishment of an internship program designed to assist members of the community to acquire skills needed for broadcast employment;

(vi) Participation in job banks, Internet programs, and other programs designed to promote outreach generally (*i.e.*, that are not primarily directed to providing notification of specific job vacancies);

(vii) Participation in scholarship programs designed to assist students interested in pursuing a career in broadcasting;

(viii) Establishment of training programs designed to enable station personnel to acquire skills that could qualify them for higher level positions;

(ix) Establishment of a mentoring program for station personnel;

(x) Participation in at least four events or programs sponsored by educational institutions relating to career opportunities in broadcasting;

(xi) Sponsorship of at least two events in the community designed to inform and educate members of the public as to employment opportunities in broadcasting;

(xii) Listing of each upper-level category opening in a job bank or newsletter of media trade groups whose membership includes substantial participation of women and minorities;

(xiii) Provision of assistance to unaffiliated non-profit entities in the maintenance of web sites that provide counseling on the process of searching for broadcast employment and/or other career development assistance pertinent to broadcasting;

(xiv) Provision of training to management level personnel as to methods of ensuring equal employment opportunity and preventing discrimination;

(xv) Provision of training to personnel of unaffiliated non-profit organizations interested in broadcast employment opportunities that would enable them to better refer job candidates for broadcast positions;

(xvi) Participation in other activities designed by the station employment unit reasonably calculated to further the goal of disseminating information as to employment opportunities in broadcasting to job candidates who might otherwise be unaware of such opportunities.

(3) Analyze its recruitment program on an ongoing basis to ensure that it is effective in achieving broad outreach to potential applicants, and address any problems found as a result of its analysis.

(4) Periodically analyze measures taken to:

(i) Disseminate the station's equal employment opportunity program to job applicants and employees;

(ii) Review seniority practices to ensure that such practices are nondiscriminatory;

(iii) Examine rates of pay and fringe benefits for employees having the same duties, and eliminate any inequities based upon race, national origin, color, religion, or sex discrimination;

(iv) Utilize media for recruitment purposes in a manner that will contain no indication, either explicit or implicit, of a preference for one race, national origin, color, religion or sex over another;

(v) Ensure that promotions to positions of greater responsibility are made in a nondiscriminatory manner;

(vi) Where union agreements exist, cooperate with the union or unions in the development of programs to ensure all persons of equal opportunity for employment, irrespective of race, national origin, color, religion, or sex, and include an effective nondiscrimination clause in new or renegotiated union agreements; and

(vii) Avoid the use of selection techniques or tests that have the effect of discriminating against any person based on race, national origin, color, religion, or sex.

(5) Retain records to document that it has satisfied the requirements of paragraphs (c)(1) and (2) of this section. Such records, which may be maintained in an electronic format, shall be retained until after grant of the renewal application for the term during which the vacancy was filled or the initiative occurred. Such records need not be submitted to the FCC unless specifically requested. The following records shall be maintained:

(i) Listings of all full-time job vacancies filled by the station employment unit, identified by job title;

(ii) For each such vacancy, the recruitment sources utilized to fill the vacancy (including, if applicable, organizations entitled to notification pursuant to paragraph (c)(1)(ii) of this section, which should be separately identified), identified by name, address, contact person and telephone number;

(iii) Dated copies of all advertisements, bulletins, letters, faxes, e-mails, or other communications announcing vacancies;

(iv) Documentation necessary to demonstrate performance of the initiatives required by paragraph (c)(2) of this section, including sufficient information to fully disclose the nature of the initiative and the scope of the station's participation, including the station personnel involved;

(v) The total number of interviewees for each vacancy and the referral source for each interviewee; and

(vi) The date each vacancy was filled and the recruitment source that referred the hiree.

(6) Annually, on the anniversary of the date a station is due to file its renewal application, the station shall place in its public file, maintained pursuant to §73.3526 or §73.3527, and on its web site, if it has one, an EEO public file report containing the following information (although if any broadcast licensee acquires a station pursuant to FCC Form 314 or FCC Form 315 during the twelve months covered by the EEO public file report, its EEO public file report shall cover the period starting with the date it acquired the station):

(i) A list of all full-time vacancies filled by the station's employment unit during the preceding year, identified by job title;

(ii) For each such vacancy, the recruitment source(s) utilized to fill the vacancy (including, if applicable, organizations entitled to notification pursuant to paragraph (c)(1)(ii) of this section, which should be separately identified), identified by name, address, contact person and telephone number;

(iii) The recruitment source that referred the hiree for each full-time vacancy during the preceding year;

(iv) Data reflecting the total number of persons interviewed for full-time vacancies during the preceding year and the total number of interviewees referred by each recruitment source utilized in connection with such vacancies; and

(v) A list and brief description of initiatives undertaken pursuant to paragraph (c)(2) of this section during the preceding year.

(d) *Small station exemption.* The provisions of paragraphs (b) and (c) of this section shall not apply to station employment units that have fewer than five full-time employees.

(e) *Definitions.* For the purposes of this rule:

(1) A *full-time employee* is a permanent employee whose regular work schedule is 30 hours per week or more.

(2) A *station employment unit* is a station or a group of commonly owned stations in the same market that share at least one employee.

(3) A *smaller market* includes metropolitan areas as defined by the Office of Management and Budget with a population of fewer than 250,000 persons and areas outside of all metropolitan areas as defined by the Office of Management and Budget.

(f) *Enforcement.* The following provisions apply to employment activity concerning full-time positions at each broadcast station employment unit (defined in this part) employing five or more persons in full-time positions, except where noted.

(1) All broadcast stations, including those that are part of an employment unit with fewer than five full-time employees, shall file a Broadcast Equal Employment Opportunity Program Report (Form 396) with their renewal application. Form 396 is filed on the date the station is due to file its application for renewal of license. If a broadcast licensee acquires a station pursuant to FCC Form 314 or FCC Form 315 during the period that is to form the basis for the Form 396, information provided on its Form 396 should cover the licensee's EEO recruitment activity during the period starting with the date it acquired the station. Stations are required to maintain a copy of their Form 396 in the station's public file in accordance with the provisions of §§73.3526 and 73.3527.

(2) The Commission will conduct a mid-term review of the employment practices of each broadcast television station and each radio station that is part of an employment unit of more than ten full-time employees four years following the station's most recent license expiration date as specified in §73.1020. Each such licensee is required to file with the Commission the Broadcast Mid-Term Report (FCC Form 397) four months prior to that date. If a

broadcast licensee acquires a station pursuant to FCC Form 314 or FCC Form 315 during the period that is to form the basis for the Form 397, its Report should cover the licensee's EEO recruitment activity during the period starting with the date it acquired the station.

(3) If a station is subject to a time brokerage agreement, the licensee shall file Forms 396, Forms 397, and EEO public file reports concerning only its own recruitment activity. If a licensee is a broker of another station or stations, the licensee-broker shall include its recruitment activity for the brokered station(s) in determining the bases of Forms 396, Forms 397 and the EEO public file reports for its own station. If a licensee-broker owns more than one station, it shall include its recruitment activity for the brokered station in the Forms 396, Forms 397, and EEO public file reports filed for its own station that is most closely affiliated with, and in the same market as, the brokered station. If a licensee-broker does not own a station in the same market as the brokered station, then it shall include its recruitment activity for the brokered station in the Forms 396, Forms 397, and EEO public file reports filed for its own station that is geographically closest to the brokered station.

(4) Broadcast stations subject to this section shall maintain records of their recruitment activity necessary to demonstrate that they are in compliance with the EEO rule. Stations shall ensure that they maintain records sufficient to verify the accuracy of information provided in Forms 396, Forms 397, and EEO public file reports. To determine compliance with the EEO rule, the Commission may conduct inquiries of licensees at random or if it has evidence of a possible violation of the EEO rule. In addition, the Commission will conduct random audits. Specifically, each year approximately five percent of all licensees in the television and radio services will be randomly selected for audit, ensuring that, even though the number of radio licensees is significantly larger than television licensees, both services are represented in the audit process. Upon request, stations shall make records available to the Commission for its review.

(5) The public may file complaints throughout the license term based on a station's Form 397 or the contents of a station's public file. Provisions concerning filing, withdrawing, or non-filing of informal objections or petitions to deny license renewal, assignment, or transfer applications are delineated in §§73.3584 and 73.3587–3589 of the Commission's rules.

(g) *Sanctions and remedies.* The Commission may issue appropriate sanctions and remedies for any violation of this rule.

Attachment B
(EEO PUBLIC FILE REPORT)

EEO PUBLIC FILE REPORT

For the 12-month Period Ending _____

Prepared by: _____
(Licensee/Permittee)

This report covers the following employment unit:

<u>Call Sign</u>	<u>Facility ID Number</u>	<u>Type of Station</u>	<u>Location City, State</u>	<u>LMA</u>

- A. The following is a list of all vacancies for full-time jobs during the previous 12 months:**

	<u>Job Title</u>	<u>Date of Opening</u>	<u>Date Filled</u>
1.			
2.			
3.			
4.			
etc.			

(Attachment A)

- B. During the previous 12 months, the following recruitment sources were contacted as vacancies for full-time jobs opened. For those sources not contacted for all openings, the job opening number from Section A is listed. Those with an asterisk (*) are organizations that requested to be contacted as job openings occurred:

<u>Recruitment Source</u>	<u>Address/Telephone Number</u>	<u>Contact Person</u>	<u>Job Openings/ All</u>
1.			
2.			
3.			
4.			
5.			
6.			
etc.			

- C. The following is a list of recruitment sources for the full-time jobs shown in Section A which provided the hiree for each position:

<u>Job Title</u>	<u>Recruitment Source</u>
1.	
2.	
3.	
4.	
5.	
6.	
etc.	

(Attachment A)

D. During the previous 12 months, there were a total of _____ people interviewed for vacancies for full-time positions. The following is a list of the total number of interviewees referred by each recruitment source shown in Section B above:

<u>Recruitment Source</u>	<u>Total No. of Interviewees</u>
1.	
2.	
3.	
4.	
5.	
6.	
etc.	

E. During the last 12 months, the station employment unit engaged in the following (menu option) initiatives (provide full details, including an explanation if no such initiatives were conducted during the period involved):

Prong 3 Menu Option

1.

2.

3.

4.

etc.

Name of Respondent: _____

Signed: _____

Typed Name: _____

Title: _____

Date: _____

Telephone No.
(include area code): _____

Attachment C
(EEO REPORT FORM – INTERNAL USE)

EEO REPORT FORM

Dear Applicant:

We sincerely appreciate your interest in employment with our company. Your application is being considered.

The Federal Communications Commission requires broadcast licensees to keep records and file reports regarding employment applications and inquiries and resumes received.

To assist us in fulfilling that requirement, would you please take a moment to fill out the brief questionnaire below and return it to us. This information is voluntary and is strictly for our required reporting purposes. It has no bearing whatsoever on your qualifications for employment and will not result in any adverse personnel action against you. **THIS INFORMATION WILL NOT BE ATTACHED TO YOUR APPLICATION FOR EMPLOYMENT OR RESUME AND WILL NOT BE AVAILABLE TO THOSE EMPLOYEES WHO WILL BE CONSIDERING YOU FOR EMPLOYMENT.**

We would appreciate your assistance. If this form has been mailed to you, a self-addressed return envelope is enclosed for your convenience.

Please fill out this portion and return it to us. Thank you.

Please print or type.

Name: _____

Address: _____

Position sought: _____

Referred by: _____

This information is for required Federal Communications Commission reporting purposes only and has no bearing on your qualifications for employment.

(Attachment B)

Attachment D
(HIRINGS FORM)

HIRINGS FORM

Date: _____

Circle Appropriate Response: **Hiring** **Full-Time** **Part-Time**

Job Title _____ FCC Job Category _____

Person Hired _____ Date Hired _____

Referral Source _____

Other Applicants Considered (List all applicants for this opening and use additional sheet if necessary).

- | | | |
|-----|-------|-----------------------|
| 1. | _____ | Referral Source _____ |
| 2. | _____ | Referral Source _____ |
| 3. | _____ | Referral Source _____ |
| 4. | _____ | Referral Source _____ |
| 5. | _____ | Referral Source _____ |
| 6. | _____ | Referral Source _____ |
| 7. | _____ | Referral Source _____ |
| 8. | _____ | Referral Source _____ |
| 9. | _____ | Referral Source _____ |
| 10. | _____ | Referral Source _____ |
| 11. | _____ | Referral Source _____ |
| 12. | _____ | Referral Source _____ |
| 13. | _____ | Referral Source _____ |

Other Referral Sources Contacted _____; _____;

_____;

(Attachment C)

Attachment E
(APPLICANT INTERVIEWS)

APPLICANT INTERVIEWS

<u>Position</u>	<u>Name of Applicant</u>	<u>Date Job Posted</u>	<u>Responded/ Interviewed</u>	<u>Referral Source</u>	<u>Disposition</u>

(Attachment D)

Attachment F
(NEW HIRE REPORT)

NEW HIRE EEO REPORT

PERSON HIRED: _____

DATE: _____ POSITION: _____

STATUS: _____ FULL-TIME _____ PART-TIME _____

DATE JOB POSTED: _____

APPLICANTS INTERVIEWED:

Total Number: _____

CHECK AND LIST RECRUITMENT SOURCES USED FOR THIS POSITION

_____ Newspaper (Specify) _____

_____ Recruitment Organizations (Specify) _____

_____ Referral from Employees _____

_____ Recruitment Educational Institutions (Specify) _____

_____ Internal Applicants

IF AN OFFER WAS MADE TO ANOTHER CANDIDATE WHO TURNED DOWN THE POSITION, PLEASE INDICATE BELOW:

Name: _____

Name: _____

LIST BELOW ALL REFERENCES CHECKED ON THE PERSON HIRED:

Name	Organization/Company
------	----------------------

_____	_____
_____	_____

Prepared by: _____ Date: _____

Reviewed by: _____ Date: _____

(Attachment E)

Attachment G
(LIST OF RECRUITMENT SOURCES)

....

LIST OF RECRUITMENT SOURCES

Date list last reviewed: _____

<u>Recruitment Source & Address</u>	<u>Contact Person</u>	<u>Telephone/ Fax Number</u>	<u>Date Listed</u>	<u>Did Source Request to be Listed</u>
---	---------------------------	----------------------------------	------------------------	--

1.

2.

3.

4.

5.

etc.

(Attachment F)



Attachment H
(RENEWAL SCHEDULES)

ORDA

STATE-BY-STATE LIST: RENEWAL APPLICATION AND PETITION TO DENY FILING DEADLINES AND LICENSE EXPIRATION DATES FOR AM, FM, FM TRANSLATOR AND LPFM STATIONS

STATE	RENEWAL APPLICATION FILING DEADLINE**	PETITION TO DENY FILING DEADLINE **	LICENSE EXPIRATION DATE
ALABAMA	DEC 1, 2011	MAR 1, 2012	APR 1, 2012
ALASKA	OCT 1, 2013	JAN 2, 2014*	FEB 1, 2014
AMERICAN SAMOA	OCT 1, 2013	JAN 2, 2014*	FEB 1, 2014
ARIZONA	JUN 3, 2013*	SEPT 3, 2013*	OCT 1, 2013
ARKANSAS	FEB 1, 2012	MAY 1, 2012	JUN 1, 2012
CALIFORNIA	AUG 1, 2013	NOV 1, 2013	DEC 1, 2013
COLORADO	DEC 3, 2012*	MAR 1, 2013	APR 1, 2013
CONNECTICUT	DEC 2, 2013*	MAR 3, 2014*	APR 1, 2014
DELAWARE	APR 1, 2014	JULY 1, 2014	AUG 1, 2014
DISTRICT OF COLUMBIA	JUN 1, 2011	SEPT 1, 2011	OCT 1, 2011
FLORIDA	OCT 3, 2011*	JAN 2, 2012*	FEB 1, 2012
GEORGIA	DEC 1, 2011	MAR 1, 2012	APR 1, 2012
GUAM	OCT 1, 2013	JAN 2, 2014*	FEB 1, 2014
HAWAII	OCT 1, 2013	JAN 2, 2014*	FEB 1, 2014
IDAHO	JUN 3, 2013*	SEPT 3, 2013*	OCT 1, 2013
ILLINOIS	AUG 1, 2012	NOV 1, 2012	DEC 1, 2012
INDIANA	APR 2, 2012*	JUL 2, 2012*	AUG 1, 2012
IOWA	OCT 1, 2012	JAN 2, 2013*	FEB 1, 2013
KANSAS	FEB 1, 2013	MAY 1, 2013	JUN 1, 2013
KENTUCKY	APR 2, 2012*	JUL 2, 2012*	AUG 1, 2012

* When the filing deadline falls on a Saturday, Sunday, or Federal holiday, the application or petition to deny is due on the next business day. See 47 C.F.R. § 1.4(j).
 ** Filing deadline refers to the date by which the application or petition to deny must be received by the Commission. See 47 C.F.R. § 1.7.

R A D I O

STATE	RENEWAL APPLICATION FILING DEADLINE**	PETITION TO DENY FILING DEADLINE **	LICENSE EXPIRATION DATE
LOUISIANA	FEB 1, 2012	MAY 1, 2012	JUN 1, 2012
MAINE	DEC 2, 2013*	MAR 3, 2014*	APR 1, 2014
MARIANA ISLANDS	OCT 1, 2013	JAN 2, 2014*	FEB 1, 2014
MARYLAND	JUN 1, 2011	SEPT 1, 2011	OCT 1, 2011
MASSACHUSETTS	DEC 2, 2013*	MAR 3, 2014*	APR 1, 2014
MICHIGAN	JUN 1, 2012	SEPT 4, 2012*	OCT 1, 2012
MINNESOTA	DEC 3, 2012*	MAR 1, 2013	APR 1, 2013
MISSISSIPPI	FEB 1, 2012	MAY 1, 2012	JUN 1, 2012
MISSOURI	OCT 1, 2012	JAN 2, 2013*	FEB 1, 2013
MONTANA	DEC 3, 2012*	MAR 1, 2013	APR 1, 2013
NEBRASKA	FEB 1, 2013	MAY 1, 2013	JUN 1, 2013
NEVADA	JUN 3, 2013*	SEPT 3, 2013*	OCT 1, 2013
NEW HAMPSHIRE	DEC 2, 2013*	MAR 3, 2014*	APR 1, 2014
NEW JERSEY	FEB 3, 2014*	MAY 1, 2014	JUN 1, 2014
NEW MEXICO	JUN 3, 2013*	SEPT 3, 2013*	OCT 1, 2013
NEW YORK	FEB 3, 2014*	MAY 1, 2014	JUN 1, 2014
NORTH CAROLINA	AUG 1, 2011	NOV 1, 2011	DEC 1, 2011
NORTH DAKOTA	DEC 3, 2012*	MAR 1, 2013	APR 1, 2013
OHIO	JUN 1, 2012	SEPT 4, 2012*	OCT 1, 2012
OKLAHOMA	FEB 1, 2013	MAY 1, 2013	JUN 1, 2013
OREGON	OCT 1, 2013*	JAN 2, 2014*	FEB 1, 2014
PENNSYLVANIA	APR 1, 2014	JULY 1, 2014	AUG 1, 2014

* When the filing deadline falls on a Saturday, Sunday, or Federal holiday, the application or petition to deny is due on the next business day. See 47 C.F.R. § 1.4(i).
 ** Filing deadline refers to the date by which the application or petition to deny must be received by the Commission. See 47 C.F.R. § 1.7.

R A D I O

STATE	RENEWAL APPLICATION FILING DEADLINE**	PETITION TO DENY FILING DEADLINE **	LICENSE EXPIRATION DATE
PUERTO RICO	OCT 3, 2011*	JAN 2, 2012*	FEB 1, 2012
RHODE ISLAND	DEC 2, 2013*	MAR 3, 2014*	APR 1, 2014
SAIPAN	OCT 1, 2013	JAN 2, 2014*	FEB 1, 2014
S. CAROLINA	AUG 1, 2011	NOV 1, 2011	DEC 1, 2011
S. DAKOTA	DEC 3, 2012*	MAR 1, 2013	APR 1, 2013
TENNESSEE	APR 2, 2012*	JULY 2, 2012*	AUG 1, 2012
TEXAS	APR 1, 2013	JULY 1, 2013	AUG 1, 2013
UTAH	JUN 3, 2013*	SEPT 3, 2013*	OCT 1, 2013
VERMONT	DEC 2, 2013*	MAR 3, 2014*	APR 1, 2014
VIRGIN ISLANDS	OCT 3, 2011*	JAN 2, 2012*	FEB 1, 2012
VIRGINIA	JUN 1, 2011	SEPT 1, 2011	OCT 1, 2011
WASHINGTON	OCT 1, 2013	JAN 2, 2014*	FEB 1, 2014
WEST VIRGINIA	JUN 1, 2011	SEPT 1, 2011	OCT 1, 2011
WISCONSIN	AUG 1, 2012	NOV 1, 2012	DEC 1, 2012
WYOMING	JUN 3, 2013*	SEPT 3, 2013*	OCT 1, 2013

* When the filing deadline falls on a Saturday, Sunday, or Federal holiday, the application or petition to deny is due on the next business day. See 47 C.F.R. § 1.4(i).

** Filing deadline refers to the date by which the application or petition to deny must be received by the Commission. See 47 C.F.R. § 1.7.

STATE-BY-STATE LIST: RENEWAL APPLICATION AND PETITION TO DENY FILING DEADLINES AND LICENSE EXPIRATION DATES FOR TV, CLASS A, LPTV, AND TV TRANSLATOR STATIONS

STATE	RENEWAL APPLICATION FILING DEADLINE	PETITION TO DENY FILING DEADLINE	LICENSE EXPIRATION DATE	
ALABAMA	DEC 3, 2012*	MAR 1, 2013	APR 1, 2013	
ALASKA	OCT 1, 2014	JAN 2, 2015*	FEB 1, 2015	
AMERICAN SAMOA	OCT 1, 2014	JAN 2, 2015*	FEB 1, 2015	
ARIZONA	JUN 2, 2014*	SEPT 2, 2014*	OCT 1, 2014	
ARKANSAS	FEB 1, 2013	MAY 1, 2013	JUN 1, 2013	
CALIFORNIA	AUG 1, 2014	NOV 3, 2014*	DEC 1, 2014	
COLORADO	DEC 2, 2013*	MAR 3, 2014*	APR 1, 2014	
CONNECTICUT	DEC 1, 2014	MAR 2, 2015*	APR 1, 2015	
DELAWARE	APR 1, 2015	JULY 1, 2015	AUG 1, 2015	
DISTRICT OF COLUMBIA	JUN 1, 2012	SEPT 4, 2012*	OCT 1, 2012	
FLORIDA	OCT 1, 2012	JAN 2, 2013*	FEB 1, 2013	
GEORGIA	DEC 3, 2012*	MAR 1, 2013	APR 1, 2013	
GUAM	OCT 1, 2014	JAN 2, 2015*	FEB 1, 2015	
HAWAII	OCT 1, 2014	JAN 2, 2015*	FEB 1, 2015	
IDAHO	JUN 2, 2014*	SEPT 2, 2014*	OCT 1, 2014	
ILLINOIS	AUG 1, 2013	NOV 1, 2013	DEC 1, 2013	
INDIANA	APR 1, 2013	JULY 1, 2013	AUG 1, 2013	
IOWA	OCT 1, 2013	JAN 2, 2014*	FEB 1, 2014	
KANSAS	FEB 3, 2014*	MAY 1, 2014	JUN 1, 2014	

* When the filing deadline falls on a Saturday, Sunday, or Federal holiday, the application or petition to deny is due on the next business day. See 47 C.F.R. § 1.4(i).
 ** Filing deadline refers to the date by which the application or petition to deny must be received by the Commission. See 47 C.F.R. § 1.7.

STATE	RENEWAL APPLICATION FILING DEADLINE	PETITION TO DENY FILING DEADLINE	LICENSE EXPIRATION DATE
KENTUCKY	APR 1, 2013	JULY 1, 2013	AUG 1, 2013
LOUISIANA	FEB 1, 2013	MAY 1, 2013	JUN 1, 2013
MAINE	DEC 1, 2014	MAR 2, 2015*	APR 1, 2015
MARIANA ISLANDS	OCT 1, 2014	JAN 2, 2015*	FEB 1, 2015
MARYLAND	JUN 1, 2012	SEPT 4, 2012*	OCT 1, 2012
MASSACHUSETTS	DEC 1, 2014	MAR 2, 2015*	APR 1, 2015
MICHIGAN	JUN 3, 2013*	SEPT 3, 2013*	OCT 1, 2013
MINNESOTA	DEC 2, 2013*	MAR 3, 2014*	APR 1, 2014
MISSISSIPPI	FEB 1, 2013	MAY 1, 2013	JUN 1, 2013
MISSOURI	OCT 1, 2013	JAN 2, 2014*	FEB 1, 2014
MONTANA	DEC 2, 2013*	MAR 3, 2014*	APR 1, 2014
NEBRASKA	FEB 3, 2014*	MAY 1, 2014	JUN 1, 2014
NEVADA	JUN 2, 2014*	SEPT 2, 2014*	OCT 1, 2014
NEW HAMPSHIRE	DEC 1, 2014	MAR 2, 2015*	APR 1, 2015
NEW JERSEY	FEB 2, 2015*	MAY 1, 2015	JUN 1, 2015
NEW MEXICO	JUN 2, 2014*	SEPT 2, 2014*	OCT 1, 2014
NEW YORK	FEB 2, 2015*	MAY 1, 2015	JUN 1, 2015
NORTH CAROLINA	AUG 1, 2012	NOV 1, 2012	DEC 1, 2012
NORTH DAKOTA	DEC 2, 2013*	MAR 3, 2014*	APR 1, 2014
OHIO	JUN 3, 2013*	SEPT 3, 2013*	OCT 1, 2013
OKLAHOMA	FEB 3, 2014*	MAY 1, 2014	JUN 1, 2014

* When the filing deadline falls on a Saturday, Sunday, or Federal holiday, the application or petition to deny is due on the next business day. See 47 C.F.R. § 1.4(j).

** Filing deadline refers to the date by which the application or petition to deny must be received by the Commission. See 47 C.F.R. § 1.7.

STATE	RENEWAL APPLICATION FILING DEADLINE	PETITION TO DENY FILING DEADLINE	LICENSE EXPIRATION DATE
OREGON	OCT 1, 2014	JAN 2, 2015*	FEB 1, 2015
PENNSYLVANIA	APR 1, 2015	JULY 1, 2015	AUG 1, 2015
PUERTO RICO	OCT 1, 2012	JAN 2, 2013*	FEB 1, 2013
RHODE ISLAND	DEC 1, 2014	MAR 2, 2015*	APR 1, 2015
SAIPAN	OCT 1, 2014	JAN 2, 2015*	FEB 1, 2015
S. CAROLINA	AUG 1, 2012	NOV 1, 2012	DEC 1, 2012
S. DAKOTA	DEC 2, 2013*	MAR 3, 2014*	APR 1, 2014
TENNESSEE	APR 1, 2013	JULY 1, 2013	AUG 1, 2013
TEXAS	APR 1, 2014	JULY 1, 2014	AUG 1, 2014
UTAH	JUN 2, 2014*	SEPT 2, 2014*	OCT 1, 2014
VERMONT	DEC 1, 2014	MAR 2, 2015*	APR 1, 2015
VIRGIN ISLANDS	OCT 1, 2012	JAN 2, 2013*	FEB 1, 2013
VIRGINIA	JUN 1, 2012	SEPT 4, 2012*	OCT 1, 2012
WASHINGTON	OCT 1, 2014	JAN 2, 2015*	FEB 1, 2015
WEST VIRGINIA	JUN 1, 2012	SEPT 4, 2012*	OCT 1, 2012
WISCONSIN	AUG 1, 2013	NOV 1, 2013	DEC 1, 2013
WYOMING	JUN 2, 2014*	SEPT 2, 2014*	OCT 1, 2014

* When the filing deadline falls on a Saturday, Sunday, or Federal holiday, the application or petition to deny is due on the next business day. See 47 C.F.R. § 1.4(i).
 ** Filing deadline refers to the date by which the application or petition to deny must be received by the Commission. See 47 C.F.R. § 1.7.

Attachment I
(MODEL SEXUAL HARASSMENT STATEMENT)

SEXUAL HARASSMENT POLICY STATEMENT

Statement of Philosophy

The Company is proud of its tradition of a collegial work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere which promotes equal opportunities and prohibits discriminatory practices, including sexual harassment. At the Company, sexual harassment, whether verbal, physical or environmental, is unacceptable and will not be tolerated.

Definition of Sexual Harassment

For purposes of this policy, sexual harassment is defined as unwelcome or unwanted conduct of a sexual nature (verbal or physical) when: 1) submission to or rejection of this conduct by an individual is used as a factor in decisions affecting hiring, evaluation, promotion, or other aspects of employment; or 2) this conduct substantially interferes with an individual's employment or creates an intimidating, hostile or offensive work environment.

Examples of sexual harassment include, but are not limited to: unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; repeated sexual jokes, flirtations, advances or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling, touching, pinching, assault, coerced sexual acts or suggestive insulting, obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures.

This behavior is unacceptable in the workplace itself and in other work-related settings such as business trips and business-related social events.

Individuals Covered Under the Policy

This policy covers all employees (professionals, assistants, support staff) and officers and owners. The Company will not tolerate, condone or allow sexual harassment, whether engaged in by fellow employees, supervisors, associates, officers or by outside clients, consultants, contractors or other non-employees who conduct business with the Company. The Company encourages reporting of all incidents of sexual harassment, regardless of who the offender may be.

Reporting a Complaint

Any employee who believes that the actions or words of any Company officer, fellow employee, or other person described above constitute harassment should report the offending action to your immediate supervisor, or to one of the officers appointed to handle sexual harassment complaints, as soon as possible. Currently, the officers

appointed to handle sexual harassment complaints are _____ and _____.

All complaints will be investigated promptly, thoroughly, and in as impartial and confidential a manner as possible.

Investigating a Complaint

All complaints will be investigated by two officers or supervisors or by a single officer and an outside attorney retained by the Company. The investigating officer(s) will generally include at least one of the officers appointed by the Company to handle sexual discrimination complaints. In the interest of impartiality, the officer who receives the complaint may, if warranted, ask the Company to appoint a different officer or officers to investigate the complaint.

The investigating officers will question both sides thoroughly and will interview all witnesses identified by either side. All respondents will be asked to document their responses and the investigating officers will attempt wherever possible to verify the accuracy of responses. In addition, all participants in the investigation will be informed that their cooperation and confidentiality are required.

Investigations will be conducted as discreetly as possible and information about the complaint and the investigation will be considered confidential.

Resolving a Complaint

Once the investigation is completed, the investigating officers will evaluate the evidence and decide in a timely manner whether the alleged conduct occurred and whether the conduct violated the Company's sexual harassment policy. In accordance with this decision, the investigating officers will recommend to the Company proper remedial action.

Proper remedial action includes both disciplinary action when warranted and other actions designed to prevent further occurrences of sexual harassment. Employees found to have engaged in the harassment of other employees will be subject to appropriate disciplinary action, depending on the circumstances, up to and including termination.

A written report of the findings of the investigation and any remedial actions to be taken will be provided to both sides.

Retaliation against any employee for filing a complaint or participating in an investigation is strictly prohibited.