

Court is in Session ... A Mock Trial

HR Virginia 2024

ANNUAL STATE CONFERENCE
APRIL 21 - APRIL 24 | RICHMOND, VA



Randy C. Sparks, Jr.

Catrina C. Waltz

Preston W. Ball

Kaufman & Canoles, P.C.



Recommended
for mature
audiences

WORKING TOGETHER GUIDELINES

Big Box Technology, Inc. (“Company”) is committed to a work environment in which all individuals are treated with dignity and respect. Each employee has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices including harassment based on race, color, religion, pregnancy, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran or military status, or any other characteristic protected by applicable laws. In keeping with this commitment, we will not tolerate the discrimination or harassment, including sexual harassment, of our employees by anyone, including supervisors, co-workers, or a third party. Behavior against any employee in violation of this policy, by any person—employee, customer, or other person in the work environment—will not be tolerated.

Sexual Harassment: Sexual harassment may consist of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature if: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such an individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

While it is not possible to list all those circumstances that may constitute sexual harassment, the following are some examples of conduct that, if unwelcome, may constitute sexual harassment:

- Unwanted sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one’s sex life, comments about an individual’s body, comments about an individual’s sexual activity;
- Displaying sexually suggestive objects, pictures, or cartoons;
- Unwelcome leering, whistling, brushing up against the body, sexual gestures, or suggestive or insulting comments; and
- Inquiries into one’s sexual preferences.

Other Forms of Harassment: Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is oral, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, gender

EXHIBIT 1

identity, national origin, age, disability, genetic information, veteran or military status, or any other characteristic protected by applicable laws that has the purpose or effect of creating an intimidating, hostile or offensive work environment; has the purpose or effect of unreasonably interfering with an individual’s work performance; or otherwise adversely affects an individual’s employment opportunities.

Harassment includes, but is not limited to, epithets, slurs, jokes, pranks, innuendo, comments, threats, text messages, e-mail messages and other social media postings, written or graphic material, stereotyping, or other threatening, hostile, or intimidating acts based on race, color, religion, sex, national origin, age, disability, genetic information, veteran or military status, or any other characteristic protected by applicable laws.

Employees are prohibited from sending, receiving, accessing, printing, or disseminating offensive, discriminatory, or harassing statements or language, including the disparagement of others based on their protected characteristic. This prohibition applies to employees’ personal social media postings, whether occurring during or outside of work hours. Such posts should be dignified, respectful, and honest.

Retaliation Prohibited: Employees can raise concerns and make reports without fear of reprisal. The Company strictly prohibits retaliation against any employee for making a complaint, or for participating in the investigation of any such complaint.

Reporting Procedures: Employees who believe they have experienced or witnessed harassment, discrimination, or retaliation or inappropriate postings in violation of this policy must immediately notify their supervisor, their supervisor’s manager, or the Human Resources department of the Company. Employees who wish to report any complaint of discrimination, harassment, or retaliation directly to Human Resources may call (540) [REPORT1 \(540-737-6781\)](tel:540-737-6781) or send an e-mail to hrcomplaints@bigboxtech.com.

Investigation Procedures: The Company will investigate all complaints of harassment, discrimination, and retaliation, including complaints of inappropriate social media postings. The Company will preserve confidentiality on a need to know basis, but we cannot guarantee confidentiality of complaints.

We will take prompt remedial action in response to any discrimination, harassment, and retaliation, and any employee found to be in violation of this policy will be subject to disciplinary action, up to and including termination of employment.

EXHIBIT 1



Doris Doolittle shared a link.

August 21



Petition: Keep the mascot as the Rebels.

Trying to keep the school mascot as the Rebels. (181 signatures)

thepetitionsite.com



3

 Like

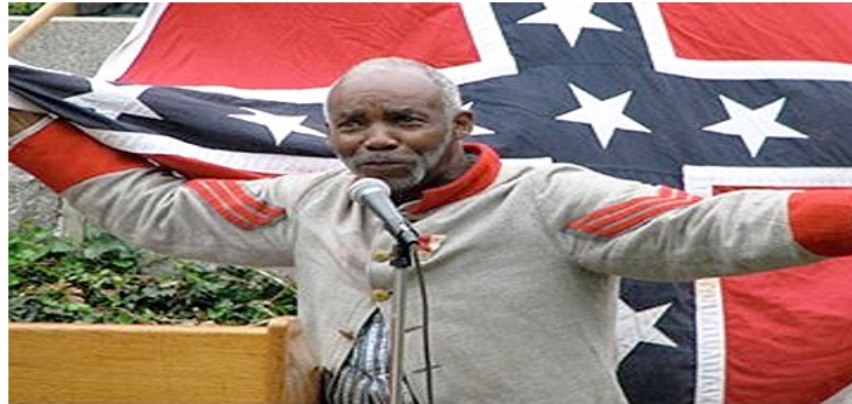
 Comment

 Share

EXHIBIT 2



Doris Doolittle shared **Support the Confederate Battle Flag's** video
August 22



16



Like Comment Share

EXHIBIT 3

BIG BOX TECHNOLOGY, INC.

CONFIDENTIAL:
Employee Corrective Action Report

Employee Name: Doris Doolittle Date: 8/24/2022

Department: Warehouse Prepared By: P. Pardner, HR

Type of Corrective Action: Verbal Warning _____
Written Warning X
Suspension _____
Termination _____

Description of Conduct:

On August 24, 2022, Human Resources received an anonymous complaint that Doris Doolittle, the Warehouse Supervisor, had posted racially offensive material on her Facebook page. Copies of posts on August 21st and 22nd from Ms. Doolittle's Facebook page were provided with the complaint. Ms. Doolittle admitted that she posted the content and advised that one of her subordinates complained to her directly about the posts. As such, Ms. Doolittle has failed to comply with Big Box Technology's "Working Together Guidelines." Ms. Doolittle was instructed to remove the posts immediately. She indicated that she removed them right after her conversation with her subordinate. Ms. Doolittle has also been advised to use better judgment in her social media posts, to comply with the "Working Together Guidelines," and to reconsider the appropriateness of "friending" her direct reports on social media. Ms. Doolittle has been warned that any further violations of policy or failure to satisfy the company's expectations for supervisors will result in further discipline, up to and including termination.

EXHIBIT 4

BIG BOX TECHNOLOGY, INC.

CONFIDENTIAL:
Employee Corrective Action Report

Employee Name: Doris Doolittle Date: 9/6/2022

Department: Warehouse Prepared By: P. Pardner, HR

Type of Corrective Action: Verbal Warning

Written Warning

Suspension

Termination X

Description of Conduct:

On August 24, 2022, Human Resources was made aware of inappropriate and racially insensitive posts by Doris Doolittle on her Facebook page. Several Big Box employees reported seeing the posts and being offended. Ms. Doolittle removed the posts after one of her employees complained directly to her. Ms. Doolittle was informed that her posts were a clear violation of Big Box's "Working Together Guidelines."

While investigating the inappropriate Facebook posts, Human Resources received four anonymous complaints alleging that Ms. Doolittle treated minority employees in a harassing and humiliating way. Ms. Doolittle was suspended pending investigation of the complaints. After interviewing warehouse employees, it appears that you violated Big Box's "Working Together Guidelines" by treating minority employees more harshly because of their race. When we met with Ms. Doolittle about the complaints, she showed no remorse for her conduct or her Facebook posts. Because of her policy violations and irreparable relationships with her employees, Ms. Doolittle is terminated immediately.

EXHIBIT 5

VERDICT?

QUESTIONS?