
FALL RIVER RURAL ELECTRIC COOPERATIVE, INC.

GENERAL POLICY NO. 625
SUBJECT: PROHIBITIONS ON DISCRIMINATION, HARASSMENT, AND
RETALIATION

I. PURPOSE:

- A. To clearly state the Cooperative's policy prohibiting discrimination, harassment, and retaliation on the basis of an individual's protected status.
- B. To provide specific reporting and investigatory procedures to be followed when the Cooperative is informed of a suspected violation; and
- C. To inform employees of the disciplinary penalties for violating this policy, up to and including termination of employment.

II. POLICY STATEMENT:

Every Cooperative employee is entitled to work in an environment that is professional and free of harassment based on race, color, religion, national origin, sex, sexual orientation, gender identity, age, marital status, disability, veteran or other protected status. The Cooperative does not tolerate such harassment, regardless of whether the conduct is verbal, physical or environmental. Such conduct will not be tolerated by any employee, director, member, customer, or vendor at any time.

III. DEFINITIONS:

- A. "**Harassment**" is unwelcome conduct that denigrates or shows hostility or aversion toward an individual because of that person's race, color, religion, national origin, sex, sexual orientation, gender identity, age, marital status, disability, veteran, or other protected status, or the status of persons with whom that individual associates. Such conduct is unlawful when (1) enduring the offensive conduct becomes a condition of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Harassment is a form of discrimination.

- B. Under federal law, “**sexual harassment**” is defined as unwelcome or unwanted conduct of a sexual nature, whether verbal or physical, when:
1. submission to or rejection of the conduct by an individual is used as a factor in decisions affecting hiring, promotion, transfer, evaluation or other aspects of employment; or
 2. the conduct interferes with an individual's employment or creates an intimidating, hostile or offensive work environment.

Sexual harassment also includes harassing conduct that is not sexual in nature, but is directed at an individual because of his or her sex, gender identity, or sexual orientation.

- C. “**Retaliation**” refers to adverse action or treatment directed at an employee for engaging in activity protected by law. Protected activities include the exercise of employment-related rights, such as reporting or opposing harassment, discrimination, or illegal or unsafe activity to management through appropriate channels, cooperating in an internal or agency investigation, participating in union activity, and invoking other employment-related rights or benefits that are granted by law.

IV. **PROHIBITED CONDUCT:**

The Cooperative will not tolerate, and employees must not engage in or tolerate, any form of discrimination or retaliation by any employee, director, member, customer, or vendor based on an individual's protected status. For the purpose of this policy, the following types of conduct are prohibited whether or not they meet the legal definition of harassment:

- A. Sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes, flirtations, advances or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess or deficiency; discussions or commentary about an individual's actual or perceived sexual orientation or gender identity; leering, whistling, touching, assault, sexual acts or

suggestive, insulting or obscene comments or gestures; and display in the workplace of sexually suggestive objects or pictures.

- B. Similar behaviors (*e.g.*, derogatory comments, jokes, cartoons, physical aggression, epithets, slurs, negative stereotyping, intimidation, circulation or posting of written or graphic materials that show hostility toward a particular group, etc.), that are based on or directed at an individual because of his or her race, color, religion, national origin, sex, sexual orientation, gender identity, age, marital status, disability, veteran, or other legally protected status, also violate this policy.
- C. Harassment based on an individual's protected status is a form of discrimination prohibited by the Cooperative. The examples set forth in Sections A and B are not intended as exhaustive lists of the conduct prohibited by this policy. Sexual harassment, as well as harassment based on any protected status, is unacceptable in the workplace and other work-related settings, such as business trips, deliveries, and business related social functions.

V. COMPLAINT PROCEDURE

Everyone working at the Cooperative is collectively responsible for both preventing any form of workplace discrimination and appropriately reporting discrimination. To insure that the Cooperative can address problems that may arise, everyone must do their part and report harassment/discrimination when they see it, even if it is happening to someone else. The Cooperative recognizes that discrimination, harassment, and retaliation make people fearful and that fear or other circumstances may make employees uncomfortable reporting to their managers or other individuals named in this policy. For those circumstances, the Cooperative has established alternate reporting channels.

- A. Employees who believe they have witnessed or been subjected to discrimination, harassment, or retaliation in violation of Cooperative policy must immediately report the incident to a management official so that

corrective action may be taken. Ordinarily, that person will be Human Resources. However, if the report is about Human Resources, or the employee is uncomfortable reporting to Human Resources, the employee may report to the General Manager. If the report is about the General Manager, the employee may report to President of the Board and/or the Cooperative's attorney. If the report is about a Board member, the report should be made to the General Manager. It is imperative employees know they can report discrimination, harassment, or retaliation to any member of management and that they may report anonymously but should be aware that anonymity may hamper the Cooperative's ability to investigate.

- B. Anyone who receives a report of discrimination, harassment, or retaliation must immediately inform the General Manager or, if the report is about the General Manager, the President of the Board and/or the Cooperative's attorney. All reports and complaints of discrimination, harassment, retaliation, or any other violation or concern will be promptly investigated by the General Manager, the President of the Board, or their designee. At a minimum, the individual making the report or complaint and the individual identified as the perpetrator will be separately interviewed to determine the facts. If the investigator determines that the behavior violated the Cooperative's Equal Employment Opportunity (EEO), harassment or other Cooperative policy, appropriate corrective action will be taken, up to and including discharge.
- C. All employees must fully cooperate with the Cooperative in any investigation made pursuant to this policy. Cooperation requires that employee respond truthfully and in a timely manner to an investigator's questions, allow access to documents and computer files, and respond in a timely and cooperative manner to any other requests for information made by an investigator. Employees are prohibited from destroying documents or deleting files that have been requested by an investigator or that the employee reasonably believes may be relevant to an investigation. Board members who are

contacted for information are similarly expected to cooperate in all aspects of any investigation conducted pursuant to this policy.

- D. The Cooperative will not retaliate in any way against an employee who reports discrimination, harassment, retaliation, or other violation or concern, nor will the Cooperative permit any other employee to do so. Any person who is found to have retaliated against an employee for making a report or participating in an investigation will be subject to disciplinary action, up to and including termination of employment.
- E. All reports and complaints of discrimination, harassment, retaliation, or other violation or concern brought to the attention of the General Manager, the President of the Board, or the Cooperative's attorney will be treated as confidentially as possible, consistent with the Cooperative's duty to investigate and respond to the complaint. Employees who make the report or become aware of a complaint are also expected to maintain confidentiality during the investigation, so as to protect the integrity of the process and the privacy of the persons involved (this expectation does not apply to communications with outside agencies, like the US Equal Employment Opportunity Commission (EEOC)). Investigations will be kept confidential to the extent practicable and appropriate under the circumstances.
- F. The results of the investigation and any recommendations of the investigator will be forwarded to the General Manager (or President of the Board, as applicable) for a final decision. The results of the Cooperative's investigation and its recommendations will generally be discussed with the victim before any action is taken. There are circumstances in which the evidence available is not sufficient to substantiate a report (*e.g.*, there are no witnesses besides the perpetrator and the victim and there is no corroborating evidence). In such circumstances, the Cooperative will nevertheless take appropriate steps to protect the alleged victim from future discrimination or harassment.

- G. If the investigator determines that an employee has violated this policy, the employee will be subject to immediate discipline, up to and including termination of employment. If the violator is a Board member, the matter will be referred to the full Board for resolution.

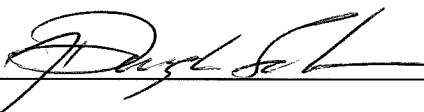
VI. RESPONSIBILITY:

- A. Each department head will meet with his/her employees as frequently as is necessary, but at least annually, to explain the provisions of this policy and the Cooperative's intolerance regarding discrimination, harassment, and retaliation.
- B. The Board, CEO/General Manager, department managers, and supervisory personnel are responsible for the administration of this policy.

VII. PRIMACY OF POLICY:

- A. This policy supersedes any existing policy that may be in conflict with the provisions of this policy.

APPROVED BY THE BOARD OF DIRECTORS



Doug Schmier, President

DATE EFFECTIVE: April 26, 2010

REVIEWED: June 27, 2013

REVISED: May 30, 2018 *Combined with GP 623 Sexual Harassment*

EMPLOYEE ACKNOWLEDGEMENT

I acknowledge that I have received a copy of Fall River Rural Electric Cooperative, Inc.'s General Policy 625 Prohibitions on Discrimination, Harassment, and Retaliation. I have carefully read the Cooperative's policy and I understand my obligations under it. I have received training on identification and prevention of harassment and asked any questions I had about the Cooperative's policy. I understand this acknowledgment will be placed in my personnel file.

I hereby acknowledge that Fall River Rural Electric Cooperative, Inc. prohibits harassment on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity, age, marital status, disability, veteran or other protected status, and will report any violation or suspected of Cooperative policy of which I become aware. I understand that all employees must avoid offensive or inappropriate behavior at work.

I also understand that my violation of the policy will result in disciplinary action against me, up to and including discharge.

Signature of Employee

Employee's Printed Name

Date: _____