



<b>Policy:</b>	6.4	<b>Type:</b>	Staff
<b>Title:</b>	Anti-Harassment Policy		
<b>Responsible:</b>	Human Resources		
<b>Approved By:</b>	Chief Executive Officer		
<b>Effective Date:</b>	11/21/2009	<b>Amendment Date:</b>	6/20/2016

## Policy

NRECA provides a work environment in which employees, members, contractors, vendors and visitors are treated with dignity, decency and respect. NRECA will not tolerate verbal or physical conduct which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment. Through training and enforcement of this policy NRECA will prevent, correct and discipline behavior that violates this policy. Disciplinary action may include verbal or written warnings, suspension or termination of employment.

### Individuals and Conduct Covered

Conduct prohibited by this policy is unacceptable in the workplace and in work-related settings outside the workplace, such as business trips, business meetings, and business-related social events. This policy applies to interactions between/among NRECA employees and interactions with NRECA members, contractors, vendors and visitors.

### Discrimination

It is a violation of NRECA's policy to discriminate in the provision of employment opportunities, training, wages, benefits or privileges, to create discriminatory work conditions, or to use discriminatory evaluative standards in employment if the basis of the discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information, veteran status, or marital status or any other characteristic protected by law. Harassment on the basis of any protected classification also is prohibited.

Discrimination is strictly prohibited by a variety of federal, state and local laws. However, this policy is designed to address inappropriate workplace behavior well before any such behavior would constitute a violation of any applicable law.

### Special Rule for Compensation Disclosure

NRECA will not discharge or in any other manner discriminate against any staff member or applicant for employment because such staff or applicant inquired about, discussed or disclosed the compensation of the staff or applicant. This provision shall not apply to instances in which a staff member who has access to the compensation information of other staff or applicants as a part of their essential job functions discloses the compensation of staff or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the employer's legal duty to furnish information.

### Harassment

NRECA prohibits harassment as defined in this policy, including sexual harassment, and will take appropriate and prompt action in response to complaints or knowledge of violations of this policy. Harassment can be any verbal, written or physical conduct directed at someone on the basis of his/her protected classification designed to threaten, intimidate, coerce or create a hostile work environment.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy as it relates to person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information, veteran status, or marital status or any other characteristic protected by law.

- Verbal harassment can include threats, comments that are offensive and unwelcome.
- Nonverbal harassment includes physical threats, distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, intense dislike or disrespect toward an individual on the basis of that individual's protected classification.

## **Sexual Harassment**

Sexual harassment is unwelcome conduct of a sexual nature, or conduct directed at only one gender, that is sufficiently persistent or offensive to unreasonably interfere with the an employee's job performance.

### **Sexual Harassment consists of two types:**

- **"Quid Pro Quo"** harassment, where acceptance or rejection of sexual advances is used as the basis for employment decisions.
- **"Hostile Work Environment,"** where the harassment creates an intimidating, hostile or abusive working environment that interferes with work performance. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials or unwelcome physical contact as a regular part of the work environment. Texts, e-mails, cartoons or posters of a sexual nature; vulgar or lewd comments or jokes; or unwanted touching all fall into this category. A hostile work environment does not have to be sexual in nature. Comments relating to gender also can constitute a violation of this policy.

The following actions are examples of sexual harassment and are intended to be guidelines not and exhaustive list when determining whether or not there has been a policy violation:

- Sexual teasing, sexually offensive gestures, jokes, requests for sexual favors, sexual propositions or innuendo, in person or via e-mail or text message, or using social media
- Touching or grabbing of a sexual nature, repeatedly brushing up against a person
- Repeatedly asking a person to socialize during off-duty hours when the person has indicated he or she is not interested
- Posting or distributing sexually demeaning or offensive pictures, cartoons or other materials
- Repeated demeaning or offensive comments about women in general or men in general

## **Consensual Romantic or Sexual Relationships**

Romantic or sexual relationships between managers/supervisors and direct reports are prohibited because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. NRECA recognizes that on occasion appropriate consensual relationships can develop between individuals in the same management hierarchy. When this occurs, the involved parties must immediately alert the Human Resources Department of the relationship so that NRECA may determine how to resolve the conflict. NRECA will resolve the conflict by moving one or both parties to another job or department; or, if no such option is available, the parties will be given the option of terminating their relationship or resigning. Managers who fail to alert Human Resources of a relationship with a subordinate employee will be subject to discipline up to and including termination from employment.

## **Retaliation**

NRECA will not tolerate retaliation against any person who has (a) lodged a complaint of discrimination or harassment in good faith, (b) participated in an internal or external investigation of a complaint, or (c) served as

an investigator of a complaint. Any retaliation or attempted retaliation is a violation of this policy and will result in discipline up to and including termination.

### **Complaint and Investigation Process**

Any employee who believes that a supervisor, fellow employee, or other person covered by those that do business with NRECA has engaged in behavior in violation of this policy has an obligation to report the incident as soon as possible to his/her supervisor, a manager, or to the Human Resources Department. Anyone who receive complaints or who observes behavior in violation of this policy should immediately inform the Human Resources Department. In addition, NRECA encourages those who believe they are being subjected to behavior in violation of this policy to advise the offender promptly that his or her behavior is unwelcome and to request that it be discontinued. This action alone could resolve the problem. NRECA recognizes, however, that a person may prefer to pursue the matter through the complaint procedure and this policy creates no obligation to directly confront the offending person.

NRECA will promptly and thoroughly investigate any complaint. The accused individual will be informed of the complaint in a timely manner and given the opportunity to address the complaint and tell his/her side of the story. Depending on the alleged offense, NRECA may take interim measures pending full investigation and resolution of complaints. These interim measures may include, but are not limited to, separating parties to the complaint or suspension of the accused. Any employee who is found, after appropriate investigation, to have engaged in harassment or discrimination as described in this policy will be subject to appropriate disciplinary action, up to and including termination.

### **Confidentiality**

To the extent possible, the complaint and its investigation will be kept confidential. However, circumstances may arise in which a limited number of other persons may have to be informed to assist with the investigation. The complaining employee will be informed that the investigation has concluded and that steps were taken/were not taken; but, in most cases the complaining employee will not be told of the specific disciplinary action due to the confidential nature of personnel actions.



## Harassment Complaint Form

**Date:**

**Name:**

**Department:**

**Incident Date(s):**

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**Describe the incident(s) as completely as possible. (*Please include all involved parties, dates and times.*)**

**Where did the incident(s) occur?**

**Were there any witnesses? (If yes, please provide their names.)**

**Please include any supporting evidence with your complaint.**

**I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_