

POLICY

SUBJECT: Sexual Harassment

POLICY: The Cooperative prohibits sexual harassment and provides male and female employees and applicants with protection against sexual harassment in the workplace. All employees must avoid offensive or inappropriate sexual behavior at work. This policy is intended to 1) clearly state the policy of the Cooperative regarding sexual harassment, 2) provide specific investigatory procedures to be followed when an employee feels they have been sexually harassed, and 3) to inform employees that violations of this policy will result in discipline up to and including discharge.

PROCEDURE:

- A. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
 3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment.
- B. In addition to the conduct described above, the following conduct may be sexual harassment and therefore shall be prohibited by this policy:
 1. Unsolicited verbal, sexual comments (i.e., off-color jokes or stories);
 2. Subtle pressure for sexual activity;
 3. Remarks about a person's body or about sexual activities;
 4. Patting, rubbing, pinching or any other unnecessary touching;
 5. Demanding sexual favors accompanied by implied or overt threats concerning one's employment (i.e., telling an employee that they cannot be promoted or cannot receive a pay increase without submitting sexually to their Supervisor);
 6. Physical assault;
 7. Harassment directed only toward individuals of the same gender.



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- C) Sexual harassment also occurs when any condition of employment is granted because of an individual's submission to a superior's sexual advances or requests for sexual favors. In such cases, an employee who did not receive employment benefits or opportunities solely because of another's sexual submission can file a complaint of discrimination. Any Supervisor who influences, recommends or approves an employment decision in return for an employee's sexual favors may be liable for discriminating against other persons who were qualified for but denied that employment opportunity or benefit.
 - D) Any and all activities described above are expressly prohibited; however, the behavior and conduct specified are examples only and are not intended to be an all-inclusive list of what the Cooperative may determine to be sexual harassment under this policy.
 - E) Activities such as those described above are prohibited between fellow employees as well as between Supervisory and Non-Supervisory employees. It is not necessary that there be a supervisory relationship between employees for the Cooperative to determine that sexual harassment has occurred.
 - F) Any employee who feels that they are a victim of sexual harassment or who observes or otherwise has reason to believe that sexual harassment is occurring in the Cooperative's workplace is required to immediately report the matter to any appropriate management official with whom they feel comfortable talking. The following reporting procedures are suggestions only. In the event that a sexual harassment allegation is against the employee's Supervisor, the employee should report the matter directly to the General Manager. Any allegation of sexual harassment against a Director should also be reported directly to the General Manager. If an allegation of sexual harassment is made against the General Manager, a report should be made directly to the President of the Board and/or to the Cooperative's attorney. All sexual harassment complaints and reports will be handled in a confidential manner by Cooperative officials, Managers and Supervisors to the extent possible.
 - G) If an allegation of sexual harassment is made against a non-employee (such as a vendor, subcontractor, supplier, consultant or member/consumer) the General Manager will take immediate action to remove the alleged harasser from the presence of the complaining employee. The General Manager will also address the non-employee directly concerning the Cooperative's intolerance of such conduct. The General Manager will take other actions as necessary to guarantee that the employee is protected from any further harassment by the non-employee.
 - H) If an allegation of sexual harassment is made against an employee or director by a non-employee (such as a vendor, subcontractor, supplier, consultant, or member/consumer), the employee or director alleged to have perpetrated the sexual harassment shall be subject to this policy including progressive discipline up to and including dismissal/removal.



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- I) Sexual harassment complaints and reports will be immediately investigated. The investigation will be conducted on a confidential basis to the extent possible. The Cooperative's attorney may be consulted for advice, and all personnel are expected to cooperate fully in investigations. When appropriate, the results of the Cooperative's investigation and its recommendation will be discussed with the complainant before any action is taken.

 - J) Upon the completion of the Cooperative's investigation, the following procedure will be used:
 - 1. Except as otherwise provided below, the results and recommendations of the Cooperative's investigation will be forwarded to the General Manager for a final decision. After reviewing the investigations results and recommendations, the General Manager will make a final decision as to the appropriate resolution of the sexual harassment allegation.

 - 2. If an allegation of sexual harassment is made against the General Manager, a report of the Cooperative's investigation will be submitted directly to the President of the Board and/or the Cooperative's attorney. The President of the Board shall then attempt to resolve the matter with the General Manager. If a sexual harassment allegation is made against a Director, a report of the Cooperative's investigation shall be submitted to the General Manager, and the General Manager shall bring the investigations results and recommendations to the attention of the entire Board. The Board as a whole shall then attempt to resolve the matter with the Director.

 - K) The Cooperative will meet with employees as frequently as is necessary, but at least annually, to explain the provisions of this policy and the Cooperative's intolerance of sexual harassment.

 - L) Any employee violating this policy may be subject to immediate discipline ranging from a written warning to discharge, depending upon the severity of the violation in each case. Any subsequent act of sexual harassment will result in more severe discipline.

 - M) No employee will be retaliated against for filing a good faith complaint alleging sexual harassment or for participating in an investigation.

RESPONSIBILITY: The Board of Directors, General Manager, Department Managers and Supervisors are responsible for the administration of this policy.

DELAWARE COUNTY ELECTRIC COOPERATIVE, INC.

Approved by the Board of Directors	Jun 14, 2000
Revised by the Board of Directors	Jul 26, 2011
Revised by the Board of Directors	Apr 28, 2015
Revised by the Board of Directors	Mar 7, 2017