



Executive Policy
Prevention and Elimination of Harassing Conduct in the Workplace

Policy Statement

TVA is committed in all areas to providing a work environment that is free from harassment. All employees, including supervisors and other management personnel, are expected and required to abide by this policy. In addition, no employee will be retaliated against or adversely affected in employment as a result of reporting matters under this policy or procedure, or for assisting in any inquiry about such a report.

For the purposes of this Policy, harassing conduct is defined as unwelcome intimidation, ridicule, insult, comments, or physical conduct where:

- (1) an employee's acceptance or rejection of such conduct explicitly or implicitly forms the basis for an employment decision affecting the employee; or
- (2) the conduct is sufficiently severe or pervasive as to alter the terms, conditions, or privileges of the employee's employment, or otherwise creates an abusive work environment. This type of harassment typically does not involve discrete personnel actions such as denial of promotion.

If an employee feels that he or she has been harassed they should immediately report the matter to their supervisor. If that person is not available, or if the employee feels it would be unproductive to inform that person, the employee should immediately contact that supervisor's superior or human resources. Once the matter has been reported, it will be promptly investigated and any necessary corrective action will be taken where appropriate. All complaints of unlawful harassment will be handled in as discreet and confidential a manner as is possible under the circumstances.

The procedure for reporting incidents of harassing behavior is not intended to impair, replace, or limit the right of any employee to seek a remedy under available state or federal law by immediately reporting the matter to the appropriate state or federal agency.

This Policy applies to all employees of TVA and those working for the company at all locations. Any employee engaging in improper harassing behavior will be subject to disciplinary action, including the possible termination of employment.

Policy Intent

The conduct covered by this Policy is broader than the legal definition of unlawful harassment listed above. It includes all hostile or abusive conduct, including conduct based on race, color, religion, sex (i.e., pregnancy, gender identity, or sexual orientation), national origin, age (40 years of age or older), mental and/or physical disability, genetic information, and reprisal, even if the conduct has not risen to the level of illegality. This is because the goal of this Policy is to avoid – or, at least, limit – harm to any employee subjected to unwelcome hostile or abusive conduct based on a protected characteristic by ensuring that appropriate officials are notified of – and have the opportunity to correct promptly – such conduct before it becomes so severe or pervasive as to violate the law, or as soon as possible thereafter.

Applicability

A. Procedures Applicable to All TVA Employees

1. Each TVA Employee shall be responsible for:
 - a. Acting professionally and refraining from harassing conduct;
 - b. Becoming familiar with the provisions of this Policy, complying with all requirements of the Policy, and cooperating with any inquiry under this Policy; and
 - c. Promptly reporting, pursuant to procedures set forth in the TVA Code of Conduct and pursuant to the No FEAR Act, any incident of harassing conduct that he or she experiences before it becomes a pattern of misconduct so pervasive and offensive as to constitute a hostile environment. TVA cannot correct harassing conduct if the conduct is not known. When an employee unreasonably fails to take advantage of this procedure and does not promptly report an incident of harassing conduct as set forth herein, TVA reserves the right to raise this failure to report as a defense against a suit for harassment, in accordance with the *Faragher-Elterth* line of cases.

B. Responsibilities of Supervisors and Managers

1. Each TVA manager and supervisor shall be responsible for:
 - a. Acting promptly and appropriately to prevent harassment in the workplace, and retaliation against those who complain of harassment. Complainants and witnesses who make claims of harassment or provide information related to such claims will be protected against retaliation;
 - b. Reporting, pursuant to procedures set forth in the Importance of Speaking Up and Seeking Help section on pages 11 and 12 of the TVA Employee Code of Conduct and TVA-SPP-25.008, Enterprise Investigation Process, any incident of harassing conduct that they witness or is otherwise brought to their attention;
 - c. Addressing allegations of harassing conduct immediately and appropriately, utilizing the procedures set forth below;
 - d. Providing interim relief to alleged victims of harassment pending the outcome of the investigation to ensure that further misconduct does not occur; and
 - e. Taking immediate and appropriate corrective and disciplinary action, up to and including termination, against personnel who have engaged in harassing conduct or who have not carried out their responsibilities under this Policy.

Applicable Requirements

A. Responsibilities of EOC Managers

1. The EOC Manager shall be responsible for:
 - a. Advising employees in his or her agency on the Policy;
 - b. Receiving allegations of harassing conduct raised to EOC personnel based on race, color, religion, sex (i.e., pregnancy, gender identity, or sexual orientation and whether or not of a sexual nature), national origin, age (40 years of age or older), mental and/or physical disability, genetic information, or retaliation;
 - c. Conducting or overseeing fair and impartial inquiries into allegations of harassing

conduct raised to EOC personnel. The EOC Manager will have the authority to decide whom will conduct an inquiry into an allegation of harassment, provided that the person conducting the inquiry has had appropriate training in investigating allegations of workplace misconduct.

- d. Advising supervisors and managers on the provision of interim relief to the alleged victims of harassing conduct pending the outcome of the investigation to ensure further misconduct does not occur; and
- e. Advising the Agency Head or other persons who need to know of allegations of harassment and the resolution of those allegations under this Policy.

B. Responsibilities of the General Counsel

The Office of the General Counsel (OGC) shall be responsible for providing legal advice to management concerning the implementation and interpretation of this Policy. If an Office of the Inspector General (OIG) employee is involved in the allegation, legal counsel to the OIG will provide legal advice to OIG management.

C. Responsibilities of Agency Head

- 1. The Agency Head shall be responsible for:
 - a. Taking appropriate action to enforce this Policy; and
 - b. Working closely with the EOC Manager to ensure that this Policy is properly implemented.

Implementation

- A. A supervisor or manager who receives an allegation or witnesses harassing conduct shall immediately:
 - 1. Notify appropriate personnel as set forth in TVA-SPP-25.008, Enterprise Investigation Process, and seek guidance as to further actions;
 - 2. In accordance with the procedures set forth in TVA-SPP-25.008, Enterprise Investigation Process, take action to stop any harassing conduct and prevent further harassment while the allegation is being investigated, including granting an appropriate interim relief to the alleged victim of harassing conduct; and
 - 3. In accordance with the procedures set forth in TVA-SPP-25.008, Enterprise Investigation, document the allegation received and efforts to address it.
- B. When the EOC Manager receives an allegation of harassing conduct, either directly by the complainant or through a supervisor, manager or other sources, based on race, color, religion, sex (i.e., pregnancy, gender identity, or sexual orientation and whether or not of a sexual nature), national origin, age (40 years of age or older), mental and/or physical disability, genetic information, or retaliation he or she shall :
 - 1. Ensure that a prompt, thorough, impartial and appropriate inquiry is conducted, or at least initiated;
 - 2. Recommend appropriate action to stop the harassing conduct and prevent further harassment, including granting the appropriate interim relief to the alleged victim of the harassing conduct while the allegations are being investigated.

- C. A written investigative summary shall be prepared by the investigator at the conclusion of the investigation. (The summary may be brief, depending on the complexity and seriousness of the case.) The summary shall be prepared promptly upon completion of the inquiry and shall be submitted to the EOC Manager or appropriate TVA personnel as set forth in TVA-SPP-25.008, Enterprise Investigation Process. If the allegations are substantiated, the supervisor and/or TVA management is responsible for taking appropriate disciplinary action against the alleged harasser.
- D. The summary of the investigation or other documentation prepared under this procedure shall be kept confidential, to the extent possible. The maintenance of records and any disclosures of information from the records shall be in compliance with the Privacy Act, 5 U.S.C. Section 522a. Such information, however, may have to be disclosed to defend the Agency in any further litigation to which the information may be relevant and necessary. Further, information may need to be disclosed to those officials and employees within the Agency with a need to know in order to carry out the purpose and intent of this Policy.
- E. Upon completion of an inquiry, TVA management will promptly evaluate the evidence and determine the appropriate action to take. In cases of complex or egregious alleged harassing conduct, TVA management should consult with TVA Police or the Office of the Inspector General. If an OIG employee is involved in the allegation, legal counsel to the OIG will, after consultant with OGC, provide legal advice to OIG management.
- F. Where the inquiry establishes that an employee did engage in harassing conduct under this Policy, he or she shall be subject to appropriate corrective action, disciplinary or otherwise, in accordance with TVA's disciplinary procedures up to and including termination. Additionally, employees represented under collective bargaining agreements should refer to those agreements regarding negotiated issues of employment.
- G. Where the inquiry establishes that a manager or supervisor did not properly carry out the responsibilities provided for under this Policy and/or other applicable TVA procedures, he or she shall be subject to appropriate corrective action, disciplinary or otherwise, in accordance with TVA procedures, up to and including termination.

Policy Executive Sponsor:  _____ Date: 12-01-2023
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