



***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 and other forms of discrimination 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. Harassment based upon an individual's legally protected characteristics will not be tolerated. 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 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 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 on the basis of his or her 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, or reprisal, they should immediately report the matter to his or her 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 hostile or abusive 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 for in the TVA Employee Handbook, 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 Faragher-Ellerth.

### **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;
  - b. Reporting, pursuant to procedures set for in the Prevention of Harassment and Violence in the Workplace section on pages 39-40 of the TVA Employee Handbook, any incident of harassing conduct that they witness or is otherwise brought to their attention;
  - c. Receiving and handling allegations of harassing conduct promptly and appropriately, utilizing the procedures set forth below;
  - d. In consultation with the Equal Opportunity Compliance (EOC) Manager, providing interim relief to alleged victims of harassment pending the outcome of the investigation to ensure that further misconduct does not occur; and
  - e. Using the procedures set forth below, in consultation with the EOC Manager, taking prompt and appropriate corrective and disciplinary action, up to and including removal, 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;
  - c. Conducting or overseeing fair and impartial inquiries into allegations of harassing conduct. 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.

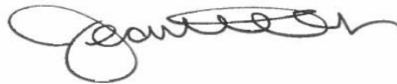
**Implementation**

- A. A supervisor or manager who receives an allegation or witnesses harassing conduct shall immediately:
  - 1. Inform the EOC Manager and seek guidance as to further actions;
  - 2. In consultation with the EOC Manager, 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 consultation with the EOC Manager, document the allegation received and his or her 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, he or she shall:
  - 1. Ensure that a prompt, thorough, impartial and appropriate inquiry is conducted; and
  - 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. Where an investigation is necessary, a written summary of the investigation shall be prepared by the individual conducting the inquiry, in consultation with the EOC Manager. (The summary may be brief, depending on the complexity and seriousness of the case.) The summary shall be prepared promptly after completion of the inquiry and shall be submitted to the EOC Manager (if the EOC Manager did not conduct the inquiry) and the supervisor who would be responsible for taking disciplinary action against the alleged harasser, if the allegations are true.
- 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 complete compliance 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 the inquiry, and in consultation with the EOC Manager, Agency management shall promptly evaluate the evidence and determine the appropriate action to take. This responsibility normally shall rest with the first line supervisor of the employee alleged to have engaged in the harassing conduct unless such supervisor is involved in the allegation. The EOC Manager shall be informed of this decision, including a decision not to act. In cases of complex or egregious alleged harassing conduct, the supervisor and EOC Manager 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 consultation 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 the TVA Handbook, up to and including removal. 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, he or she shall be subject to appropriate corrective action, disciplinary or otherwise, in accordance with the TVA, up to and including removal.

**Policy Executive Sponsor:**



**Jeannette Mills**  
**EVP & Chief External Relations**

**Date: September 25, 2020**

**Policy Executive Sponsor:**



**Jeffrey J. Lyash**  
**President & CEO**

**Date:**

**September 30, 2020**