

### **3.06 POLICY AGAINST SEXUAL AND OTHER UNLAWFUL HARASSMENT**

#### *Introduction*

It is the goal of WPPL to promote a workplace that is free of harassment in our workplace. Such harassment is unacceptable and will not be tolerated by WPPL. As described in the next paragraph, some forms of harassment (unlawful harassment) also violates state and federal laws. There will be no retaliation or reprisal against anyone complaining about or reporting harassment, or for participating in an investigation of a harassment complaint.

Unlawful harassment prohibited by this policy includes harassment based upon an individual's race, sex, handicap, age, citizenship, national origin, and any other factor protected by federal, state or local law. It includes sexual harassment.

Because WPPL takes allegations of harassment seriously, we will respond promptly to complaints of harassment. Where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of unlawful harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of unlawful harassment.

#### *Specific Definition of Sexual Harassment*

WPPL does not condone, and this policy specifically prohibits, harassment of any nature. With respect to sexual harassment, we believe that a more specific definition should be set forth. For purposes of this policy, sexual harassment is defined as unwelcome or unwanted conduct of a sexual nature when: (a) submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or, (b) such advances, requests, or conduct have the purpose or effect of unreasonably interacting with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the examples below, includes other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers.

While it is not possible to list all the circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment, depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Sexual advances - whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body; comment about an individual's sexual activity, deficiencies, or prowess, and comment about one's sexual orientation;
- Displaying sexually suggestive objects, pictures, cartoons;
- Leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by WPPL.

#### *Complaints of Harassment*

If any of our employees believe that he or she has been subjected to harassment, WPPL encourages that employee to firmly and promptly notify the alleged offender that his or her behavior is unwelcome. We recognize that power and status disparities between the alleged harasser and a complaining individual may make such a confrontation impractical and that a formal complaint may be the only mechanism to resolve the matter.

You are encouraged to complain of any harassing behavior that you believe to be in violation of this policy by contacting the Human Resources Manager or Director.

These persons are also available to discuss any concerns you may have and to provide information to you about our policy against harassment and our complaint process.

#### *Investigation of a Complaint*

When we receive the complaint, we will promptly investigate the allegation in a fair and expeditious manner. WPPL will utilize the Personnel Board described in this manual under the section on GRIEVANCE. This investigation will be conducted in such a way as to maintain confidentiality, to the extent practicable under the circumstances. When we have completed our investigation, we will, to the extent appropriate, inform the person filing the complaint of the results of that investigation.

If it is determined that inappropriate conduct has occurred, the Human Resource Manager or Director, working with the Personnel Board, will act promptly to eliminate the offending conduct. Where it is appropriate, disciplinary action will be taken.

*Disciplinary Action*

If it is determined that inappropriate conduct has been committed, we will take such action as is appropriate under the circumstances. Such actions may include termination from employment or such other forms of disciplinary action, as we deem appropriate under the circumstances.