



BOARD OF TRUSTEE POLICIES

Subject: Anti-Harassment and Anti-Bullying Policy			Policy No.: 154
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This is a new JMEC policy originally issued on February 23, 2024			

1. Introduction

Jemez Mountains Electric Cooperative, Inc. (“JMEC”) believes that all individuals in our working community—including employees, contractors, and members of the Board of Trustees—should be treated with dignity and respect. To carry out our values, JMEC strictly prohibits harassment based on characteristics protected under federal and state law. But JMEC’s commitment to providing a respectful work environment goes beyond simply meeting the requirements of the law. JMEC does not tolerate bullying of any kind. The following Anti-Harassment and Anti-Bullying Policy applies to all employees, contractors, and the JMEC Board of Trustees. This policy supplements the sexual harassment policy contained in JMEC’s Personnel Policy Manual for Employees and creates a new policy for the JMEC Board of Trustees.

2. Harassment

a. Definition of harassment

Harassment is unwelcome behavior based on a person’s sex, race, color, national origin, age (40 or older), disability, genetic information, or other legally-protected trait. Harassment involves behavior that negatively affects someone’s working conditions, by creating an environment that would be intimidating, hostile, or offensive to reasonable people. To be considered harassment, conduct usually must consist of something more than petty slights, annoyances, and isolated incidents. However, even a single incident could potentially amount to harassment if it is very serious.

b. Recognizing harassment

It would be impossible to list every type of behavior that violates JMEC’s anti-harassment policy. Unwelcome behavior, based on a person’s membership in a legally protected class, will be deemed to be harassment in any situation where: (1) A person’s employment depends on submitting to the conduct; (2) Employment decisions about a person are made based on whether they submit to or reject the conduct; or (3) The conduct has the purpose or effect of unreasonably interfering with a person’s work performance, or creates an intimidating, hostile, or offensive working environment.

Conduct which violates JMEC's anti-harassment policy may be verbal or non-verbal.

- Verbal harassment may include jokes, insults, and innuendoes; threats; degrading remarks; derogatory or insulting gossip; epithets; slurs; statement reflecting negative stereotyping; and other comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, age, sex, sexual orientation, pregnancy, appearance, disability, gender identity or expression, or other protected status.
- Nonverbal harassment may include intimidating or confrontational body language; gestures, staring, touching, hugging, or patting; blocking a person's movement; standing too close; brushing against a person's body; display of sexually suggestive or degrading pictures; racist or other derogatory cartoons or drawings; and distributing, displaying or discussing any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, gender identity, or other protected status.

Harassment may include conduct that occurs outside the workplace—such as offensive comments on social media—if it affects a person's work environment.

c. Examples of sexual harassment

As noted above, harassment violates JMEC's policies if it is based on any status protected under the law. One pervasive type of harassment is sexual harassment. Sexual harassment encompasses harassment based on sexual orientation, gender identity, and pregnancy.

Examples of conduct that may constitute sexual harassment include, but are not limited to:

- Unwelcome sexual advances, propositions, or flirtations.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, or posters.
- Verbal conduct such as making or using derogatory comments, epithets, slurs, or jokes.
- Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- Physical conduct such as touching, assault, or impeding or blocking movement.

The list above is not intended to be comprehensive. Sexual harassment may occur in many different forms.

3. Bullying

a. Definition of Bullying

JMEC defines bullying as aggressive behavior where someone subjects another person to intentional and repeated mistreatment. It is abusive conduct that includes:

- Threatening, humiliating or intimidating behaviors.
- Work interference/sabotage that prevents work from getting done.
- Verbal abuse.

Unlike harassment, bullying need not be based on a person's membership in a protected class. Bullying behavior violates JMEC's policies, even if the behavior does not constitute unlawful harassment.

b. Examples of Bullying

JMEC considers the following types of behavior examples of bullying:

- **Verbal bullying.** Slandering, ridiculing or maligning a person or his or her family; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks; not allowing a person to express themselves (e.g., ignoring or interrupting); shouting; making unfair criticisms; gossiping.
- **Physical bullying.** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
- **Gesture bullying.** Nonverbal gestures that can convey threatening messages.
- **Exclusion.** Socially or physically excluding or disregarding a person in work-related activities; singling out a person for negative treatment.

4. Reporting Procedures

Any employee, contractor, or board member who believes they have been subjected to harassment or bullying, or who has witnessed harassment or bullying, should report the incident immediately to their supervisor, manager, or the Human Resources department. If an employee or contractor feels uncomfortable reporting a concern to their manager or the Human Resources department, they are free to report their concerns directly to the CEO, CFO or the Board Attorney.

Board members may report incidents of harassment or bullying to the JMEC Board President.

If any managerial employee or Board member becomes aware of potential harassment or bullying directed toward another person at JMEC, the concern should be reported promptly.

If an employee believes they have been subjected to illegal harassment, based on a protected characteristic, they may choose to submit a discrimination complaint to the United States Equal Employment Opportunity Commission or the New Mexico Human Rights Bureau.

5. Investigation

JMEC takes all complaints of harassment and bullying seriously. All reports will be promptly and thoroughly investigated. Investigations will be conducted in a fair, impartial, and confidential manner. JMEC may use its own personnel to conduct the investigation or may engage the services of an outside investigator. An investigation may include reviewing documents, interviewing employees, and any other steps considered necessary to determine whether harassment or bullying occurred. An individual accused of harassment or bullying will be notified and given a reasonable opportunity to respond to the allegations.

Confidentiality will be maintained to the extent possible, but information may be disclosed as necessary to conduct a thorough investigation and to take appropriate corrective action. All individuals who participate in an investigation, including complainants, witnesses, and alleged perpetrators, will receive fair and impartial treatment. Complainants and participants should be provided with assurances that they will be protected from retaliation for reporting harassment or participating in the investigation.

JMEC will notify the complainant of the outcome of the investigation, although JMEC may decline to reveal specific disciplinary actions taken where there are confidentiality concerns with such disclosures.

6. Corrective Measures; Disciplinary Actions

In response to any complaint of harassment or bullying which is substantiated, JMEC will take appropriate corrective measures to prevent the conduct from continuing and to reduce the likelihood of similar conduct in the future. Provisional or temporary measures may be taken while an investigation is still pending, when a complaint appears to be well-founded.

If corrective action is deemed necessary, it will typically be determined by the General Manager. In the event the subject of the investigation is the General Manager or any member of the Board of Trustees, the corrective action shall be determined by a majority vote of the Board of Trustees.

Any employees or contractors found to have engaged in harassment or bullying will be subject to disciplinary action, up to and including termination of employment or contract. Disciplinary actions will be determined based on the severity of the offense and may include counseling, warnings, demotion, loss of privileges, or other appropriate measures.

Board of Trustees members found to have engaged in harassment or bullying will be subject to disciplinary or remedial action, determined in the reasonable judgment of the full Board. Disciplinary or remedial actions will be determined based on the severity of the offense and may include board censure; restrictions on access to email, JMEC personnel, and JMEC property; counseling; loss of privileges; additional training and education; or other appropriate measures within the scope of the JMEC bylaws.

7. Protection Against Retaliation

JMEC prohibits retaliation against any individual who makes a good faith report of harassment or bullying, or who participates in an investigation of harassment or bullying. Any retaliation will be subject to disciplinary action, up to and including termination of employment or contract.

Intentionally submitting a false claim of harassment or bullying is a violation of this policy and will be grounds for disciplinary action, up to and including termination of employment or contract.

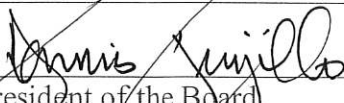
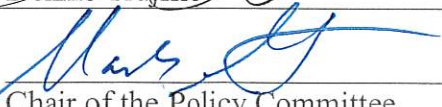
8. Training and Education

JMEC will provide training and education to all employees, contractors, and board members on the prevention of harassment and bullying. This training will include information on what constitutes harassment and bullying, how to report incidents of harassment and bullying, and the consequences for engaging in harassment and bullying.

9. Conclusion

JMEC is committed to maintaining a workplace free from harassment and bullying. We expect all employees, contractors, and board members to adhere to this policy and to treat each other with dignity and respect. Violations of this policy will not be tolerated and will result in disciplinary action.

This policy is subject to periodic review and may be updated or revised as necessary to ensure its effectiveness and compliance with applicable laws and regulations.

 _____ President of the Board Dennis Trujillo	Date: <u>2/23/2024</u>
 _____ Chair of the Policy Committee Marcelina Martinez	Date: <u>2/23/2024</u>

