

**BACHMAN MACHINE COMPANY CORPORATE POLICY**

Effective Date: 01-1-2000 Supersedes Policy No. \_\_\_\_\_ Date: \_\_\_\_\_

SUBJECT:                    SEXUAL HARASSMENT

Objective: The objective of this policy is to make Bachman Machine Company employees aware of what constitutes sexual harassment and to provide a channel of communication for the employees to report instances of sexual harassment, to minimize such occurrences in our workplace, and to provide a means or remedy should sexual harassment occur.

Scope: This policy applies to all locations of the Bachman Machine Company and to all subsidiary operations.

Policy Statement: The Bachman Machine Company is committed to providing a workplace that continues to be free from sexual harassment and will vigorously enforce its sexual harassment policy at all levels within the company. Harassment, in any form, of employees or applicants for employment is unlawful and such conduct exposes not only the Company, but also the individual involved in such conduct, to significant liability under the law. At the Bachman Machine Company, this type of conduct is prohibited, unacceptable and will not be tolerated.

At all times, employees should treat other employees respectfully and with dignity in a manner that does not offend the sensibilities of their co-workers. Sexual harassment includes any conduct in the work environment which is unwelcome and which is done on the basis of the victim's membership in one or more of the named protective classes. What may be regarded by some as innocent statements or actions may be perceived as offensive by others.

Statement Of Prohibited Conduct: No Bachman Machine Company supervisor or employee shall engage in any conduct of a sexual nature, nor state or even imply, that a refusal to submit to such conduct will adversely affect that person's employment,

work status, evaluation, wages, advancement, assigned duties, shift or any other condition of employment or career development. Similarly, no employee shall promise, imply or grant any preferential treatment in connection with another employee or applicant for engaging in sexual conduct. Bachman Machine Company considers the following conduct to represent some, but not all, of the types of acts that violate this Sexual Harassment Policy:

A. Physical assaults of a sexual nature, such as:

- intentional physical conduct that is sexual in nature such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body.
- sexual battery, molestation, rape or attempts to commit those assaults

B. Unwanted sexual advances, propositions or other sexual comments, as:

- sexually oriented gestures, remarks, jokes or comments about a person's sexuality or sexual experiences of preference directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct in his/her presence is unwelcome;
- preferential treatment or promises of preferential treatment to any employee for submitting to a sexual conduct, including soliciting or attempting to solicit any employee to engage in any sexual activity for compensation or reward; and
- subjecting, or threats of subjecting, any employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's more difficult because of that employee's sex.

C. Sexual or discriminatory displays or publications anywhere in the workplace by Bachman Machine Company employees, such as:

- displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials or other materials that are sexually suggestive, sexually demeaning or pornographic, or bringing into the workplace or possessing any such material to read, display or view at work;
- reading or otherwise publicizing in the workplace materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic; and
- displaying signs or other materials purporting to segregate an employee by sex in any area of the workplace (other than restroom and similar semi-private locker/changing rooms).

D. Retaliation for sexual harassment complaints, such as:

- disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matter with any employee because that employee has complained about or resisted harassment, discrimination or retaliation; and
- intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct such as that described in any item above.

E. Other Acts: The above is not to be construed as all-inclusive list of prohibited acts under this policy. Sexual harassment is unlawful and it hurts both the employee and the Company. Any of the prohibited conduct described here is sexual harassment of anyone at whom it is directed or who is otherwise subjected to it. Each incident of harassment contributes to a general atmosphere in which all persons who share the victim's sex suffer the consequences. Sexually oriented acts of sex-based conduct have no legitimate business purposes: accordingly, the employee who engages in such conduct should be and will be made to bear the full responsibility for such unlawful conduct.

Schedule of Penalties For Misconduct:

The following schedule of penalties applies to all violations of the Bachman Machine Company Sexual Harassment Policy, as explained in more detail in the Statement of Prohibited Conduct. Where progressive discipline is provided for, each instance of conduct violating the Policy moves the offending employee through the steps of disciplinary action. In other words, it is not necessary for an employee to repeat the same precise conduct in order to move up the scale of discipline.

A written record of each action taken pursuant to the policy will be placed in the offending employee's personnel file. This record will reflect the conduct, or alleged conduct, and the warning given, or other discipline imposed.

- A. **Assault:** Any employee's first proven offense of an assault or the threat of an assault, including assault of any sexual nature, will result in the termination of employment.
- B. **Other Acts of Harassment By Co-workers:** Any employee's commission of acts of sexual harassment other than assault will result in a non-disciplinary oral counseling for an alleged first offense; written warning, suspension, or discharge for the first proven offense, depending on the nature or severity of the misconduct.
- C. **Retaliation:** Alleged retaliation against a sexual harassment compliant will

result in a non-disciplinary oral counseling. Any form of proven retaliation will result in suspension or discharge for the first proven offense, depending upon the nature and severity of the retaliatory acts, and discharge for a second offense.

- D. **Supervisors:** A supervisor's commission of acts of a sexual nature or sexual harassment (other than assault ) with respect to any other employee under that person's supervision will result in non-disciplinary oral counseling for an alleged first offense; a final warning or dismissal for the first proven offense, depending upon the nature and severity of the misconduct; and discharge for any subsequent proven offense.

#### Procedure For Reporting, Investigating and Resolving Sexual Harassment and Retaliation Complaints:

**A. Complaints:** Bachman Machine Company will provide its employee with convenient, confidential and reliable mechanisms for reporting incidents of sexual harassment and retaliation. Accordingly, the Bachman Machine Company designates the Human Resources Manager, and/or the employee's immediate supervisor to serve as Investigative Officers for sexual harassment issues. The Investigative Officers may appoint "designees" to assist them in handling sexual complaints. The purpose of having several persons to whom complaints may be made is to avoid a situation where an employee is faced with complaining to the person, or a close associate of the person, who would be the subject of the complaint.

Any employee who feels that he or she is a victim of sexual harassment and/or sexual misconduct by any supervisor, management official, or any other company employee, customer or any other person in connection with their employment at Bachman Machine Company should bring this matter to the IMMEDIATE ATTENTION of their immediate supervisory, or the Manager of Human Resources. Any employee who is uncomfortable for any reason in bringing this matter to the attention of the individuals previously mentioned or who is not satisfied that bringing the matter to the attention of such person will resolve the matter, should report the matter to the **Chief Operating Officer of the Company** by telephone, in person or, preferably, by letter.

Complaints of acts of sexual harassment or retaliation that are in violation of the sexual harassment policy will be accepted in writing or orally, and anonymous complaints will be taken seriously and investigated. Anyone who has observed sexual harassment or retaliation should report it to a designated Investigative Officer. A complaint need not be limited to someone who was the target of the harassment or retaliation.

Only those individuals who have an immediate need to know, including the Investigative Officers and/or his/her designee, the alleged target of the harassment or retaliation, the alleged harasser(s) or retaliator(s) and any witnesses will or may find out the identity of the complainant. All parties contacted in the course of an investigation will be advised that all parties involved in a charge are entitled to respect and, when possible, confidentiality. Any retaliation or reprisal against an individual who is an alleged target of harassment or retaliation or who has made a complaint or who has provided evidence in connection with a complaint, is a separate actionable offense as provided in the schedule of penalties.

**B. Investigations:** Each Investigative Officer will receive thorough training about sexual harassment and the procedures herein and will have the responsibility for investigating complaints. All complaints will be investigated expeditiously by a Bachman Machine Company Investigative Officer or his/her designee. The Investigative Officer will produce a written report, which, together with the investigation file, will be shown to the complainant upon request within a reasonable time frame. The Investigative Officer is empowered to recommend remedial measures based on the results of the investigation, and Bachman Machine Company ownership and/or management will promptly consider and act on such recommendation.

When a complaint is made, The Investigative Officer will have the duty of immediately bringing all sexual harassment and retaliation complaints to the confidential attention of the President and/or Chief Operating Officer of the Bachman Machine Company. The Investigative Officer will maintain a file on the original charge and any follow-up investigation. Such files will be available to investigators, to federal, state, and local agencies charged with equal employment or affirmative action enforcement, other complainants who have filed a formal charge of discrimination against Bachman Machine Company or any agent thereof, whether that formal charge is filed at a federal, state or local level.

**C. Cooperation:** An effective sexual harassment policy requires the support and the example of all company personnel in positions of authority. Bachman Machine Company agents or employees who engage in sexual harassment or retaliation or who fail to cooperate with the company-sponsored investigations of sexual harassment or retaliation may be severely sanctioned by suspension or dismissal. By the same token, officials who refuse to implement remedial measures, obstruct the remedial efforts of other Bachman Machine Company employees, and/or retaliate against sexual harassment complainants or witnesses, may be immediately sanctioned by suspension or dismissal.

Any questions about this policy pertaining to the actual or potential sexual harassment should be brought to the attention of the Manager of Human Resources. Bachman Machine Company pledges to promptly investigate all allegations of sexual harassment in a manner as expeditiously and confidentially as possible and take the appropriate corrective action(s) if, and when, it is warranted. Any employee, who is determined, after investigation, to have engaged in sexual harassment or retaliation in violation of this policy will be subject to appropriate sanctions up to and including termination, regardless of their position or title. Possible appropriate corrective actions may include individually or a combination of: counseling, training, disciplinary file action, suspension, transfer, and/or discharge for cause.

**D. Acknowledgement:** All company department heads and supervisors will be issued a personal copy of this policy for their review and use in administering the policy directives. Supervisors will acknowledge receipt of the policy by signing the policy acknowledgement form that will be maintained in the supervisor's personnel jacket.

Effect: The effect of this policy shall be to:

- establish a definition of sexual harassment and identify prohibited conduct and establish penalties for such.
- establish procedures for reporting, investigating and resolving sexual harassment and/or retaliation complaints.
- designate Investigative Officers and investigation procedures.
- provide a confident and more uniform handling of actual and/or alleged sexual harassment and/or retaliation activities.
- provide employees information for obtaining, if they wish, a personal copy of this policy

**EMPLOYEE FILE COPY**

This is a supervisor's acknowledgement and/or receipt of the  
Bachman Machine Company Sexual Harassment Policy

I HAVE RECEIVED, WILL READ AND WILL SUPPORT THE COMPANY'S  
EFFORTS AND ACTIVITIES AS OUTLINED IN THIS SEXUAL HARASSMENT  
POLICY. IF I HAVE ANY QUESTIONS ABOUT THIS POLICY OR ITS  
PROCEDURES, I WILL ASK FOR AN EXPLANATION FROM THE HUMAN  
RESOURCES DEPARTMENT.

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Supervisor's Signature

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Date signed

PLEASE RETURN THIS SIGNED COPY TO THE HUMAN RESOURCES  
DEPARTMENT TO BE MAINTAINED IN YOUR PERSONNEL FILE.

## **EMPLOYEE FILE COPY**

This is an acknowledgement and/or receipt of the Bachman  
Machine Company Sexual Harassment Policy

I HAVE RECEIVED, WILL READ AND WILL SUPPORT THE COMPANY'S  
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RESOURCES DEPARTMENT.

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Employee's Signature

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Date signed

PLEASE RETURN THIS SIGNED COPY TO THE HUMAN RESOURCES  
DEPARTMENT TO BE MAINTAINED IN YOUR PERSONNEL FILE.

