

 Oakdale Electric Cooperative		Board Policy
Policy Name: Reporting and Investigating Violations		Policy No: 3.08
Last Reviewed/Revised: 06-06-2023		Page 1 of 3

I. OBJECTIVE

To establish the process for reporting unlawful acts and other serious misconduct in the workplace.

II. POLICY CONTENT

This Policy establishes the process for reporting and investigating unlawful acts, other serious misconduct in the workplace, and violations of Cooperative policies governing Business Ethics and Discrimination and Harassment (all of which shall be referred to in this Policy as “Violations”).

A. Reporting Violations

1. Employees and directors should promptly report Violations.
 - a. Employees should ordinarily report Violations to their immediate supervisors.
 - b. If the employee believes that the supervisor engaged in the Violations, the supervisor's supervisor should be notified.
 - c. Any employee may also report Violations to another member of the Cooperative's management with whom the employee feels comfortable, up to and including the General Manager & CEO.
 - d. Supervisors or others who receive reports of Violations must promptly report them to the Cooperative's General Manager & CEO so that appropriate action may be taken.
2. If a Violation involves the General Manager & CEO or a director, the Chairman of the Board of Directors shall assume the duties of the General Manager & CEO under this policy to oversee the investigation of the reported Violation.
 - a. Employees and directors may report the matter directly to the Board Chairman.
 - b. If the Chairman is alleged to be involved in the Violation, then the matter may be reported to the Vice Chairman or to the Cooperative's legal counsel. The Vice Chairman shall assume responsibility for overseeing an investigation.
3. Reports of Violations may initially be made verbally or in writing, but the Cooperative may require the report to be documented in writing to ensure that the Cooperative has a thorough and accurate understanding of the report.

- a. The Cooperative shall maintain standard forms for reporting Violations. The General Manager & CEO is responsible for developing such standard form or forms as he/she deems prudent.
- b. All reports should describe the specific nature of the conduct being complained about, the dates when and locations where the conduct occurred, and the names of any witnesses.

B. Investigations

1. Upon receiving a report of a Violation, the Cooperative will promptly commence an impartial investigation.
2. The Cooperative's General Manager & CEO shall be generally responsible for overseeing investigations under this policy, although this may be delegated to other personnel or to third parties, as the General Manager & CEO deems appropriate.
3. The Cooperative will, to the extent possible under the circumstances, maintain the confidentiality of those involved in the investigation, subject to the need to conduct a thorough investigation. It is not possible to guarantee confidentiality to complainants and witnesses because conducting investigations may require disclosing some information about the matter.
4. Alleged offenders should ordinarily be notified of the specifics of the complaint and given an opportunity to respond to the allegations. The General Manager & CEO or other person overseeing the investigation may make exceptions if disclosure of the complaint to the alleged offender would jeopardize the investigation (for example, if the alleged Violation involves fraudulent activity and disclosure could allow the alleged offender to cover up the fraud).
5. All material witnesses to the alleged misconduct should ordinarily be interviewed as well.
6. If appropriate, a meeting may be arranged to discuss the complaint with all concerned parties.
7. Since complaints require a factual investigation to determine whether a Violation occurred, employees and directors are encouraged to report suspected Violations even if the employees are uncertain if the behavior constitutes a Violation. However, all individuals are expected to act responsibly and in good faith in reporting possible Violations.
8. All employees have a duty to participate in the Cooperative's investigations and cooperate in good faith. Any employee who fails or refuses to participate or fails to cooperate in good faith may be subject to discipline, up to and including termination.

C. Resolving Complaints

1. After completing an investigation, the General Manager & CEO or other person responsible for overseeing the investigation, shall make a determination as to whether a Violation occurred.
2. If the investigation determines that an individual is guilty of a Violation, the Cooperative shall take appropriate action.
 - a. Employees determined to have committed a Violation shall be disciplined in accordance with the severity of the offense, up to and including termination.
 - b. Directors determined to have committed a Violation may be disciplined by the Board in accordance with the severity of the offense. Serious Violations may be referred to the Cooperative's membership to consider removing the director in accordance with the Bylaws.
 - c. The Cooperative shall take appropriate action regarding outside individuals (e.g. vendors, consultants, etc.) determined to have committed a Violation. Potential corrective actions may include terminating the business relationship, prohibiting offending individual(s) from being present on Cooperative property, and taking legal action.
3. The General Manager & CEO or other responsible person shall inform the parties involved of the outcome of the investigation.

D. Non-retaliation. The Cooperative will not tolerate any reprisal or retaliation against any person reporting a possible Violation or participating in an investigation of a possible Violation. Any act of retaliation shall be considered a separate violation of this policy and subject to appropriate discipline.

III. RESPONSIBILITY

- A.** The Board of Directors is responsible for administering this policy.
- B.** Except as otherwise specified, the General Manager & CEO is responsible for overseeing investigations under this policy and resolving complaints against employees.

Original Effective Date: 1/18/2022	Reviewed Date (no revisions): 06-06-2023	Revised Date(s):
--	--	-------------------------