

## 9.5 Discrimination, Harassment and Other Unacceptable Behaviors (Uniform Policy)

### Summary

Xcel Energy is committed to a workplace free of discrimination and harassment based on race, color, religion, creed, national origin, gender, age, disability, veteran status, sexual orientation, gender identity, genetic information or any other protected class status in accordance with all federal, state or local laws. Discrimination, harassment and other unacceptable behaviors are prohibited at Xcel Energy. Xcel Energy also prohibits retaliation against any employee for filing a complaint of discrimination or harassment under this policy or for participating in a complaint investigation.

### Applicability

This policy applies to all employees of Xcel Energy Inc.'s subsidiaries and affiliates ("Xcel Energy").

If there are conflicts between this policy and collective bargaining agreements that are in effect for bargaining unit employees, the collective bargaining agreement applies.

This policy also applies to contract workers.

### Definitions

<b>Xcel Energy</b>	Xcel Energy Inc.'s subsidiaries and affiliates. The use of "we," "ours," or "the Company" is synonymous with Xcel Energy
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### Content

#### Discrimination, Harassment and Retaliation

The company will strictly comply with applicable federal, state and local statutes that prohibit discrimination, harassment or retaliation in the workplace. Discrimination, harassment (including sexual harassment) and/or retaliation committed by anyone in the workplace in violation of this policy will not be tolerated at Xcel Energy.

## **Discrimination**

Discrimination based on race, color, religion, creed, national origin, gender, age, disability, veteran status, sexual orientation, gender identity, genetic information or any other protected class status in accordance with applicable federal, state or local laws is prohibited. Discrimination involves the treatment of an individual or a group of individuals differently than others with regard to hire, tenure, promotion, development, compensation or any condition of employment because of the individual's protected class status. Harassment, including sexual harassment, may be considered a form of discrimination.

## **Harassment Based on Protected Class Status**

Intimidating or other offensive conduct based on a person's or group's race, color, religion, age, gender, national origin, disability, status as a veteran, sexual orientation, gender identity or any other protected class status under federal, state or local laws may include, but is not limited to:

- Written, spoken and/or graphic communications including slurs, jokes, posters, cartoons and gestures that disparage a particular race, color, gender, national origin, age, disability, sexual orientation, gender identity, status as a veteran, religion or any other protected class status. This includes inappropriate display of pictures, graffiti or offensive symbols.
- Any type of intentional physical contact when the contact is because of or directed at the individual's race, color, gender, national origin, age, disability, sexual orientation, gender identity, status as a veteran, religion or any other protected class status and the contact is unwelcome by recipient (for example, brushing up against someone, patting a person down, or touching him or her in an offensive or intimidating manner).
- Shunning or excluding individuals or groups from workplace activities or inappropriate staring or innuendos because of an individual's or group's race, color, gender, national origin, age, disability, sexual orientation, gender identity, status as a veteran, religion or any other protected class status.
- Deliberate destruction of work materials or tools, work product, workstation or personal property stored at a work location because of an individual's race, color, gender, national origin, age, disability, sexual orientation, gender identity, status as a veteran, religion or any other protected class status.

This includes the use of any electronic means to store, display, distribute or communicate any of the above.

Harassment and offensive conduct based upon another's race, color, religion, age, gender, national origin, disability, status as a veteran, sexual orientation, gender identity or any other protected class status in violation of this policy is strictly prohibited when any of the following are true:

- There is a promise or implied promise of preferential treatment or negative consequence regarding employment decisions or status (e.g. sexual favors in exchange for promotional opportunity, requirements to participate in religious prayer sessions or face disciplinary action, or putting up with jokes and slurs in exchange for continued employment).
- Such conduct has the potential effect of creating an intimidating or hostile or offensive work environment or unreasonably interferes with a person's work performance.
- A third party is offended by the sexual conduct, offensive behavior or inappropriate communication of others.

### **Sexual Harassment**

Sexual harassment is a form of gender-based harassment because of a person's gender and involves unwelcome, offensive and intimidating behavior that may include, but is not limited to:

- Offensive physical actions, written, spoken and/or graphic communication (for example, obscene or sexually suggestive hand or finger gestures or sexually explicit or suggestive drawing).
- Any type of physical contact when the action is unwelcome by recipient (for example, brushing up against someone in an offensive manner).
- Expectations, requests, demands or pressure for sexual favors.
- Slurs, jokes, posters, cartoons and gestures that are sexually offensive.
- Inappropriate staring, comments, jokes, innuendoes and other sexually oriented statements, including the display of pictures, graffiti and the like.

This includes the use of any electronic means to store, display, distribute or communicate any of the above.

### **Retaliation**

Xcel Energy prohibits retaliation against any employee for filing a complaint of discrimination or harassment under this policy or for assisting in a complaint investigation. Prohibited retaliatory behavior may include, but is not limited to:

- A promise or implied promise of preferential treatment or negative consequence regarding the individual's filing or not filing a complaint or the individual's potential testimony in an investigation.
- Questioning a participant in an investigation and/or attempting to influence that person's participation in an investigation.
- Failure to consider a qualified individual for a position, promotion or developmental opportunity strictly because of his or her participation as a complainant or witness under this policy.
- Any negative change in the terms and conditions of employment due to the individual's participation in an investigation.

### **Other Unacceptable Behaviors**

In addition to discrimination and harassment as defined above, other unacceptable behaviors include, but are not limited to: bullying, hazing, horseplay or profanity. Such behaviors are prohibited at Xcel Energy when any of the following are true:

- Such conduct unreasonably interferes with workplace productivity or is disruptive.
- Such conduct creates an unsafe work environment.
- Such conduct appears to, or is intended to, demean an individual.

### **Investigation**

All allegations of discrimination, harassment and retaliation brought to the attention of Xcel Energy will be investigated. Substantiated acts of discrimination, harassment, unacceptable behaviors or retaliation in violation of this policy will be met with appropriate corrective action including termination of employment.

Discrimination, sexual harassment or other forms of harassment based upon a protected class status, other unacceptable workplace behaviors and/or retaliation in violation of this policy is considered a form of employee misconduct. Disciplinary action and/or termination may result when the company determines an employee has engaged in this type of behavior. Any supervisor or manager who has knowledge of such behavior, yet takes no action, is also subject to disciplinary action and/or termination.

If the company determines that a non-employee (temporary worker, contractor, consultant, vendor, etc.) is harassing an employee in the workplace, the matter will be referred to the alleged harasser's employer. EEO & Employee Relations, Corporate Security, Workforce Relations and Legal Services can assist in these situations.

### **How to File a Complaint Under This Policy**

Allegations regarding discrimination, harassment, retaliation and other unacceptable behavior will be reported directly to EEO & Employee Relations personnel or via EEO & Employee Relations' website located on XpressNET. Employees also have the option of reporting allegations to anyone in Human Resources, to their immediate supervisor or manager, to any management employee or the Compliance Hotline at 1-800-555-8516. All allegations of violations of this policy will be investigated by EEO & Employee Relations.

### **Accountabilities**

All employees and managers are responsible for fostering an atmosphere free of discrimination and harassment, including sexual harassment, in the workplace.

Supervisory or managerial personnel are responsible for taking proper action to end such behavior in the workplace.

If management receives a report of discrimination, harassment or retaliation and/or observes any such conduct, management must take immediate action, even if the recipient of the offensive behavior does not desire to pursue the matter. Managers should notify EEO & Employee Relations as soon as they become aware of any allegations regarding violations of this policy.

People accountable for various aspects of the policy:

<b>Implementation</b>	<b>Communication</b>	<b>Compliance</b>	<b>Maintenance</b>	<b>Review</b>
Corporate Officers and Business Area Presidents	Director, EEO & Employee Relations	Corporate Officers and Business Area Presidents	Director, EEO & Employee Relations	VP Workforce Strategy & Development

### **References**

Read and follow the Code of Conduct and other corporate policies.

## Review Date

This policy was last reviewed and revised on January 31, 2012.

## History of Revisions

January 31, 2012  
March 25, 2010  
August 27, 2009 – Executive Name Change  
January 12, 2009 – Reviewed Only  
February 25, 2008  
January 23, 2006  
June 1, 2004  
January 1, 2002 – Initial Issuance

## Approval

January 31, 2012

Date

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Marvin E. McDaniel Jr.  
Senior Vice President and Chief Administrative  
Officer

January 31, 2012

Date

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Benjamin G.S. Fowke III  
Chairman, President and Chief Executive Officer