



BLACK HILLS CORPORATION COMPANY POLICY

Affected Business Unit(s): <p style="text-align: center;">ALL</p>	Originating Department(s): <p style="text-align: center;">Human Resources</p>				
	Effective Date: <p style="text-align: center;">07.13.2010</p>				
Policy No. CORP-HR-09	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"> Final Approval Senior Management </td> <td style="width: 50%; text-align: center;"> Revision Date </td> </tr> <tr> <td style="text-align: center;"> </td> <td style="text-align: center;"> <p>01.18.2018</p> </td> </tr> </table>	Final Approval Senior Management	Revision Date		<p>01.18.2018</p>
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	<p>01.18.2018</p>				
Subject: <p style="text-align: center;">HARASSMENT AND RETALIATION PREVENTION</p>					

1. PURPOSE

The purpose of this Policy is to acknowledge the Company's commitment to a work environment that is free from all forms of Harassment. Regardless of the form it may take, Harassment is not acceptable and will not be tolerated.

2. SCOPE

This Policy applies to all Employees, Applicants, Vendors, Contractors, Clients and Customers of the Company. This prohibition applies regardless of where the Harassment occurs. In instances where this Policy conflicts with collective bargaining agreements, the collective bargaining agreements will apply.

3. DEFINITIONS

- 3.1 Client/Customer** refers to a buyer or receiver of goods or services.
- 3.2 Company** refers to Black Hills Corporation and all of its subsidiaries and affiliates.
- 3.3 Contractor/Vendor** refers to an individual or outside company hired to manage a project or provide goods or services to another company.
- 3.4 Employee** refers to full or part-time Employees of the Company, including exempt, non-exempt and union Employees.
- 3.5 Harassment**
 - 3.5.1** Unwelcome, threatening, intimidating or offensive remarks and comments, negative stereotyping, jokes or slurs, or other verbal or non-verbal conduct pertaining to or showing hostility toward a person because of his or her race, color, sex/gender, religion, national origin, age, sexual orientation, mental or physical disability, veteran status or any other legally protected status of an

individual, whether written, physical or visual, or which affects tangible job benefits, unreasonably interferes with work performance, or creates a hostile or offensive work environment.

- 3.5.2** Offensive sexual remarks, sexual advances, flirtations, propositions, requests for sexual favors or other verbal or non-verbal conduct of a sexual nature regardless of the gender of the individuals involved.
- 3.5.3** Unwelcome or offensive physical conduct, including touching, regardless of the gender of the individuals involved.
- 3.5.4** Display of offensive pictures, drawings or photographs or other communications, including e-mail.
- 3.5.5** Conduct that has the purpose or effect of creating a hostile working environment, interferes with Employees' work performance, and / or otherwise adversely affects Employees' employment opportunities.
- 3.5.6** Threatening reprisals for an Employee's refusal to "cooperate" or respond favorably to sexual advances, requests for sexual favors or for reporting a violation of this Policy, and otherwise threatening, intimidating or hostile acts.
- 3.5.7** Bullying behaviors that demean, intimidate, victimize, threaten or humiliate an Employee, including behaviors such as:
 - Verbal abuse, threats, sarcasm or other forms of demeaning or intimidating language or communication;
 - Psychological harassment;
 - Physical intimidation;
 - Ridiculing another's opinion;
 - Exclusion from activities of which the Employee would reasonably expect to be a part;
 - Sabotage of another's work

Bullying does not cover situations where an Employee feels aggrieved about legitimate and reasonable work situations, i.e., performance management, disciplinary action, allocation of work.

- 3.5.8** Any other form of Harassment as it is defined by local, state and federal laws

3.6 Sexual Harassment

- 3.6.1** Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Such conduct constitutes sexual harassment when:
 - 3.6.1.1** Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - 3.6.1.2** Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or

3.6.1.3 Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

3.6.2 Sexual Harassment includes, but is not limited to, the following unwelcome conduct:

3.6.2.1 Offensive sexual flirtations;

Repeated advances or propositions

3.6.2.2 Verbal abuse of a sexual nature;

3.6.2.3 Graphic or degrading comments about an individual's appearance;

3.6.2.4 Display or dissemination of sexually suggestive objects or pictures, including calendars and/or posters;

3.6.2.5 Offensive verbal or written comments or jokes of a sexual nature or sending offensive e-mail, electronic text messages, or voice mail;

3.6.2.6 Offensive or abusive gestures or physical contact;

3.6.2.7 Explicit or implicit demands for sexual favors in return for job benefits.

3.7 **Ethics Helpline** refers to an anonymous helpline available to Employees to report potential violations.

3.8 **Retaliation** refers to any adverse action taken against an Employee because he or she complained about Harassment or discrimination. Employees who participate in an investigation of any Harassment are also protected. Adverse action includes, but is not limited to, demotion, discipline, firing, salary reduction, negative evaluation, change in job assignment, or change in shift assignment. Retaliation can also include hostile behavior or attitudes toward an Employee who filed a complaint.

4. POLICY

4.1 General:

Regardless of the form it may take, Harassment is not acceptable and will not be tolerated. This Policy addresses any form of Harassment related to an individual's race, color, sex/gender, religion, age, national origin, handicap, disability, sexual orientation, gender identity, veteran status or any other legally protected status of an individual which is a violation of this Policy and will be handled in accordance with the Company's disciplinary policies and procedures up to and including termination.

4.2 Employee Conduct:

- 4.2.1** Employees are responsible for their own conduct. Employees must avoid any behavior that may constitute Harassment or retaliation toward any Employee, Applicant for employment, Customer, Contractor, Vendor or other individual connected to the Company.
- 4.2.2** Employees are expected to use and follow any preventive or corrective measures provided by the Company or provided within this Policy, and seek assistance if they believe that they or another Employee or individual is being subjected to workplace Harassment, either within or outside their supervisory chain.
- 4.2.3** Employees are expected to cooperate fully in Company inquiries or investigations into allegations of Sexual Harassment, other workplace Harassment or offensive conduct, and to maintain confidentiality of the inquiry.
- 4.2.4** If an Employee believes that he/she is being harassed by another Employee or individual, or if an Employee believes that another individual is being harassed, the Employee should, without fear of reprisal, promptly report it to his/her supervisor.
- 4.2.5** If the problem involves the individual's supervisor or if the Employee does not want to discuss the problem with his/her supervisor and believes further action is necessary to resolve the problem, the Employee should promptly report it to the Human Resources Department or contact the Ethics Helpline at 1-888.418.1644.
- 4.2.6** Managers/Supervisors must immediately report any incident of Harassment to Human Resources or to the Director of Corporate Compliance and take appropriate steps to prevent Harassment from occurring or being repeated.

4.3 Human Resource Actions:

- 4.3.1** Human Resources, along with the Director of Corporate Compliance where appropriate, will thoroughly investigate or oversee the investigation and document each Harassment or Retaliation complaint and take corrective action.
- 4.3.2** The Company will keep Employees' complaints as confidential as reasonably possible and will not permit Retaliation against the Employee in any way for reporting conduct that the Employee believes in good faith may be a violation of this Policy.
- 4.3.3** Enlist and coordinate assistance from other departments of the Company as circumstances warrant.
- 4.3.4** Further, the Company will take appropriate disciplinary action, up to and including termination of the Employee responsible for the Harassment, based on the finding of the investigation.

5. CONSEQUENCES

5.1 Consequences of Substantiated Harassment

- 5.1.1** Individuals who have engaged in substantiated incidents of Harassment are subject to disciplinary action, up to and including termination of employment.
- 5.1.2** Employees that knowingly make false allegations of Harassment are subject to disciplinary action, up to and including termination of employment.

5.2 Consequences of Substantiated Retaliation

- 5.2.1** The Company does not condone and will not tolerate any Retaliation or reprisals against any Employee or individual reporting or complaining of incidents of Sexual or other Harassment, or for assisting or cooperating in any Company inquiry regarding Sexual or other Harassment.
- 5.2.2** Any substantiated incidents of Retaliation are subject to immediate termination of employment.
- 5.2.3** False allegations of Retaliation are also prohibited and will result in disciplinary action, up to and including termination of employment.

6. RESPONSIBILITIES

6.1 Employee

- 6.1.1** Report behavior that he/she believes fits within the definition of Harassment above in a timely manner, whether the behavior is directed at the Employee personally or another fellow Employee.
- 6.1.2** The Employee is obligated to be forthright and cooperative in an investigation of the complaint and must also keep all contents of the investigation confidential.
- 6.1.3** Conduct themselves in a manner so as not to violate this Policy.

6.2 Management

- 6.2.1** Ensure Employees are aware of this Policy, expectations of their behavior in regard to this Policy, and the procedure for reporting concerns.
- 6.2.2** Report all concerns raised by Employees to Human Resources and/or the Director of Corporate Compliance immediately.
- 6.2.3** Be forthright and cooperative in an investigation of the complaint and keep all contents of the investigation confidential.
- 6.2.4** Not knowingly allow or tolerate Harassment that is in violation of this Policy.
- 6.2.5** Take corrective action to prevent prohibited conduct from reoccurring

6.2.6 Provide periodic training to all Employees on this Policy and the definition of Harassment.

6.3 Human Resources:

6.3.1 Investigate all reported claims of Harassment in a timely fashion.

6.3.2 Make determination of legitimacy of claim and consult with the Company Legal Department as appropriate.

6.3.3 Provide feedback on investigation to management and claimant.

6.3.4 Make recommendations on resolution of issues identified.

6.3.5 If the Company does not employ the person engaged in the harassing conduct, then the Company will take whatever corrective action is reasonable and appropriate under the circumstances

7. Revision History

Date	Change	Changed By
01-17-2018	Annual policy review; title references corrected; formatting corrections; Ethics Helpline number corrected; add bullying as a form of Harassment	Jayne Riske