



Nondiscrimination, Equal Opportunity, Respectful Workplace

Equal Employment Opportunity

The Cotton Board is an equal opportunity employer. As a quasi-government agency, The Cotton Board honors all applicable conditions of employment which are referenced within USDA's Civil Rights Policies. The Cotton Board ensures civil rights and equal employment opportunities for all employees and applicants for employment without regard to disability, age, race, nationality, sex, color, religion, veteran status or sexual orientation. In addition, The Cotton Board complies with applicable state and local laws governing nondiscrimination in employment. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, leaves of absence, compensation, and training.

Nondiscrimination Against and Accommodation of Individuals with Disabilities

The Cotton Board complies with the Americans With Disabilities Act and provides reasonable accommodation for such individuals in accordance with the Act. Qualified individuals with disabilities may make requests for reasonable accommodations to the Director of Operations.

Policy Against Harassment

The Cotton Board expressly prohibits any form of employee harassment based on disability, age, race, nationality, sex, color, religion, veteran status or sexual orientation.

With respect to sexual harassment, the Cotton Board specifically prohibits the following:

1. Unwelcome sexual advances; requests for sexual favors; and all other verbal or physical conduct of a sexual or otherwise offensive nature; and
2. Offensive comments, jokes, innuendos, and other sexually oriented statements.

Harassment is particularly offensive when it is coupled with an abuse of authority, such that --

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
2. Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
3. Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

It is impossible to list all conduct that would violate the policy against unlawful harassment. The Cotton Board may determine that other conduct or behavior is violative of this policy, at the Cotton Board's discretion. Offensive and inappropriate behavior need not rise to the level of sexual harassment within the meaning of applicable federal, state, or local law to be deemed a violation of this policy.

Employees should, first and foremost, respect each other's "personal space" and treat each other professionally at all times. It is critical that each employee respect someone's statement that a

specific action or behavior makes them uncomfortable or is otherwise inappropriate. The offending action or behavior must be changed.

Workplace Violence

The Cotton Board expressly prohibits violence in the workplace. Every employee is expected to treat all other employees, visitors, contractors, and other non-employees with dignity, fairness, and respect.

Workplace violence can be any act of physical violence, threats of physical violence, harassment, intimidation, or other threatening, disruptive behavior that occurs at the work site. Workplace violence can affect or involve employees, visitors, contractors, and other non-employees. All threats or potential acts of violence should be taken seriously by employees and by management.

In the event of an incident of workplace violence, employees should notify management and, if appropriate, immediately call 911. Management will respond immediately to potential threats and violence and attempt to defuse escalating situations using appropriate resources, including law and emergency services, federal protection service, and onsite security, if necessary.

If a volatile or dangerous situation cannot be brought under control or employees are concerned about their safety, employees should either exit the office and leave the building or stay behind a locked door until given the “all clear” by Management or First Responders.

Employees should also review the Emergency Procedures outlined separately in this Handbook.

Applicability to Off-Premises Meetings and Business Activities

The Cotton Board Code of Conduct is meant to govern the conduct of Cotton Board employees, particularly when they are in the workplace or carrying out Cotton Board business. The protections and standards set out in the Code of Conduct are also applicable to off-premises activities, such as meetings of the Cotton Board, and actions involving non-employees with whom the employee is involved, directly or indirectly, in a business or potential business relationship, such as a Board Member or Alternate, producer, importer, or industry partner.

Responsibility to Report

It is the responsibility of all employees to report promptly actual or suspected conduct occurring within the organization that amounts to a serious violation of The Cotton Board’s Code of Conduct. As stated above, this responsibility encompasses all aspects of financial accountability, breaches of confidentiality or conflict of interest requirements, violations of policies prohibiting discrimination, harassment, and violence in the workplace. This responsibility also encompasses actions that violate federal, state, or local laws or regulations, fraudulent conduct, and actions that otherwise amount to serious improper conduct.

This responsibility to report applies to **all** incidents of suspected violations of the Cotton Board’s Code of Conduct, including those which occur off-premises or during off-hours, where the alleged offender is a supervisor, coworker, or even a non-employee with whom the employee is involved, directly or indirectly, in a business or potential business relationship, such as a Board Member or Alternate, producer, importer, or industry partner

Complaint and Investigation Procedures for The Cotton Board

This complaint procedure is intended to enable employees and others to report actual or suspected violations of The Cotton Board's Code of Conduct. Day-to-day issues involving disagreements or differences of opinion that arise among co-workers or between an employee and his or her supervisor do not fall within the scope of this complaint procedure.

Cotton Board employees who experience or witness any actual or suspected violation of The Cotton Board Code of Conduct or any job-related discrimination or harassment are encouraged to utilize the complaint procedure outlined in this section. This procedure will allow The Cotton Board to quickly and effectively investigate the complaint and take corrective action

1. Complaint Procedure

- a. Reports of violations of the Code of Conduct or any harassment or discrimination should be filed as early as possible following the alleged incident.
- b. The incident should be reported to the employee's immediate supervisor or to the Director of Operations.
 - a. If for any reason an employee is not comfortable speaking with their supervisor (including the situation where the supervisor is the individual whose conduct is the cause of concern) or the Director of Operations, the employee should report the matter to the President.
 - b. If the matter to be reported involves conduct of the President of the organization, \or if the employee is concerned that the President will not adequately address the inappropriate conduct, the employee is encouraged to use the WHISTLEBLOWER HOTLINE– (901) 272-7390. The Whistleblower Hotline will enable the employee to speak to Bill Burtch at Harmony Coaching and Consulting, a Human Resources expert who is not in the Cotton Board offices and is tasked with the responsibility of ensuring employee complaints are investigated so that appropriate, corrective steps can be taken.
 - c. If the employee is not comfortable with any of the above complaint procedures, the employee may report any suspected violations of the Code of Conduct to the current Cotton Board Chairman.
 - d. Under certain limited circumstances, an employee may have the right to assert a program discrimination claim with AMS under the Title VI of the Civil Rights Act of 1964. Board employees may contact AMS Civil Rights at 202-690-3640 for more information on filing such a program discrimination complaint.
 - e. Employees who believe they have personally been subjected to unlawful discrimination or harassment may also choose to file a complaint directly with the federal or state Equal Employment Opportunity Commission, as more specifically outlined below.
 - f. In addition, if an employee feels that Program funds are being mismanaged, they may call USDA's Office of Inspector General at 1-800-424-9121.

2. Investigation by The Cotton Board.

- a. Upon receipt of any complaint under this section, The Cotton Board will undertake a prompt and thorough investigation of the allegations. Confidentiality will be maintained to the maximum extent possible consistent with the organization's policy to conduct a thorough investigation.
- b. Supervisors who receive complaints of a violation of the Code of Conduct or of harassment or discrimination are to forward them immediately to the President/CEO. If the complaint involves the President/CEO, the supervisor should contact the Whistleblower Hotline. The supervisor may also choose to contact the Chairman of The Cotton Board or USDA's Office of the Inspector General if the matter is serious and urgent or if the supervisor believes that internal investigations of the matter are not being pursued appropriately.
- c. If the reporting employee feels that the matter is not being addressed adequately, he or she should promptly bring it to the attention of the next level of management, or another member of management with whom the employee feels comfortable, up to and including the Chairman of The Cotton Board. They may also choose to pursue the other complaint avenues outlined in this section.

3. Response of the Cotton Board

If The Cotton Board determines that an employee is guilty of discriminating against or harassing another individual, it will take prompt and effective action to ensure the offending conduct or act(s) cease immediately, and will take appropriate disciplinary action against the offending employee. If the identity of the complaining employee is known, Cotton Board senior management will provide a report to the employee concerning the conduct of the investigation.

4. No Retaliation

The Cotton Board strictly prohibits the harassment, retaliation, or taking of adverse employment actions against any employee who in good faith reports actual or suspected violations of law or The Cotton Board's Code of Conduct or who assists in the investigation of a complaint. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline.

5. Confidentiality of Whistleblower

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential when possible, consistent with the need to conduct an adequate investigation.

6. Acting in Good Faith

Anyone filing a complaint concerning actual or suspected violations or other unethical or unlawful conduct must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of The Cotton Board's Code of Conduct. Providing false information in connection with a complaint could subject an employee to disciplinary action.

Filing Complaint with the Equal Employment Opportunity Commission

Employees who believe they have personally been subjected to unlawful discrimination or harassment have two avenues they may use to file a complaint. They may (1) utilize the complaint and investigation procedure of The Cotton Board outlined above and (2) also choose to file directly with the federal or state Equal Employment Opportunity Commission.

- Filing a complaint utilizing the procedures of The Cotton Board will lead to a determination whether The Cotton Board's Code of Conduct or U.S. Department of Agriculture guidelines applicable to The Cotton Board have been violated.
- Filing a complaint with the Equal Employment Opportunity Commission will involve that agency and will lead to a determination whether federal or state laws governing discrimination or harassment in the workplace have been violated.

While the Cotton Board encourages employees to utilize the Cotton Board Complaint Procedures as a first step, employees may utilize either or both of these avenues to file a complaint.

To be clear, when a complaint is filed through the Cotton Board Complaint Procedures, a standard of investigation will be utilized that is different from the federal or state EEOC complaint system. An investigation by the U.S. Department of Agriculture concerning a violation of its Civil Rights and Equal Opportunity requirements is not handled like an EEOC complaint and USDA is not bound by the normal procedural, legal, or factual requirements of such an action.

Charges of employment discrimination filed directly with the U.S. Equal Employment Opportunity Commission are subject to certain requirements and filing deadlines. The U.S. EEOC has a public portal that should be used -- <https://publicportal.eeoc.gov/Portal/Login.aspx>.

Charges of discrimination may be filed with the Tennessee Human Rights Commission by calling them at (800) 251-3589 or visiting them in their Nashville office. According to their website, an Intake Officer can provide you with a complaint form and answer your questions. An electronic complaint form can be accessed online (URL: <https://www.tn.gov/content/dam/tn/humanrights/documents/FillableComplaintFormEnglishRevised2013NewAddress.pdf>) or one can be mailed or emailed for the employee's convenience. There are time deadlines associated with the Tennessee state process as well.