



POLICIES DOCUMENT

Title:	Anti-Harassment Policy
Policy Number:	12.00
Effective Date:	01/01/1992
Last Revised:	10/01/2008
Application:	All Employees, Customers, Vendors, Tenants and Guests

Anti-Harassment Policy

POLICY STATEMENT 12.00

It is the policy of Kansas City Southern and its United States subsidiaries (collectively called "the Company") to provide a work environment that is free from unlawful harassment. This policy applies to all employees, applicants, guests and other persons visiting the Company's property. It applies to employees working in the United States who are traveling internationally and to employees of KCSM visiting the United States. Harassment based on any legally protected category, trait, or characteristic, whether at the Company, while performing Company-related business or at a Company-sponsored function, is strictly prohibited. Sexual harassment is prohibited whether directed towards women or men. The Company will not allow retaliation against individuals who file good faith complaints under this Policy, or who participate in an investigation, proceeding, or litigation under Title VII of the Civil Rights Act of 1964. Employees who violate this Policy will be subject to discipline, up to and including dismissal. Any supervisory employee who receives a complaint and does not act immediately upon it under the procedures of this Policy will also be subject to discipline, up to and including dismissal.

DEFINITIONS 12.01

- A. **Harassment.** For the purpose of this Policy, the term "harassment" includes, but is not limited to:
1. verbal or physical conduct that harms or exhibits hostility or aversion toward an individual because of his or her race, color, religion, sex, national origin, age, disability, veteran status, other category protected by law or that of his or her relatives, friends, or associates, and that:
 - a. has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
 - b. has the purpose or effect of unreasonably interfering with an individual's work performance; or
 - c. otherwise adversely affects an individual's employment opportunities.



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2. any other conduct based on race, color, sex, or other category protected by law that creates an environment determined to be intimidating, hostile, or offensive including the creation of such an environment through the use of verbal or physical conduct, and/or the display, transmission, or communication of messages, graphics, phrases, pictures, or objects.
- B. **Sexual Harassment.** In addition to the above, for the purpose of this Policy, the term "sexual harassment" includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature, when:
1. submission to such conduct is an explicit or implicit term or condition of employment;
 2. submission to or rejection of such conduct is used as the basis for employment decisions; or
 3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, offensive, or hostile work environment.

GUIDELINES 12.02

- A. **Prohibited Conduct.** Conduct prohibited by this Policy includes, but is not limited to:
1. epithets, slurs, negative stereotyping, threats, intimidation, and hostile acts that are related to race, color, religion, sex, national origin, age, disability, or other protected category;
 2. disparaging, abusive and/or sexual words, phrases, e-mails, or materials that denigrate or show hostility toward an individual or group because of race, color, religion, sex, national origin, age, or other category protected by law;
 3. sexual innuendo, suggestive comments, insults, threats, jokes, suggestive or insulting noises, leering, whistling, or obscene gestures;
 4. propositions or pressure to engage in sexual acts;
 5. unwelcome touching, pinching, cornering, or massaging or brushing the body;
 6. inappropriate comments concerning an individual's appearance;
 7. insulting communications or postings, including electronic media, telephone calls, and written documents that denigrate or show hostility toward an individual or group because of race, color, religion, sex, national origin, age or other category protected by law;
 8. displaying, viewing, possessing, wearing, or bringing to the workplace magazines, books, videos, TV programs, music, pictures, clothing or other materials or objects that have an offensive connotation;



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9. threatening, intimidating, or hostile acts, including jokes or pranks that might reasonably be perceived as hostile or demeaning;
 10. written or graphic material or objects that are sexually-oriented, obscene or criticize or show hostility or aversion toward an individual or group; and
 11. harassing conduct which occurs during non-working hours directed at an employee, such as harassing telephone calls made during off-duty hours.
- B. No manager/supervisor shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, or any other condition of employment or career development
- C. No manager/supervisor shall favor in any way any applicant or employee because that person has performed or shown a willingness to perform sexual favors for the manager/supervisor.
- D. Reporting Responsibilities and Complaint Processing
1. Any employee who believes that the actions or words of a manager/supervisor, fellow employee, vendor or contractor constitute unwelcome harassment of an employee, **whether addressed to the employee or another person**, may politely but firmly object to the behavior and request that the person cease the inappropriate conduct. Additionally, the employee has a responsibility to:
 - a. **Immediately** report the inappropriate conduct to the Speak Up! Line at 1-800-727-2615, or to an appropriate manager/supervisor, or to the Senior Vice President of Human Resources. **All management or supervisory personnel who receive a report of harassment or inappropriate conduct shall immediately report the same to the Senior Vice President of Human Resources. Concerns can be reported anonymously to the Speak up! Line, which is operated by a third party vendor.**
 - b. Fully cooperate in an investigation of the incident.
 2. Complaints of harassment **will** be investigated, where appropriate, in as confidential a manner as possible by the Company.
 3. Any employee, supervisor, or manager who, after appropriate investigation is determined in the Company's discretion to have engaged in conduct in violation of this Policy will be subject to appropriate disciplinary action, up to and including dismissal.
 4. It is a violation of this Policy for any employee to retaliate in any way against an employee who submits a good faith complaint of harassment or against any



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person who cooperates in an investigation. This applies to both supervisory and non-supervisory employees.

5. Given the serious nature of harassment, false accusations can have profound effects on innocent individuals. Therefore, employees who knowingly make false accusations will also be subject to disciplinary action, up to and including dismissal.
6. Improper use of the Company's communications and Information Resources can also be a violation of this policy, and may result in discipline, up to and including dismissal. This includes improper use of any of the Company's Information Resources to display, transmit, forward, view, or store any file, message, graphic or other material which is determined by the Company to be offensive, inappropriate, harassing, threatening, or discriminatory.

ADMINISTRATION 12.03

Questions regarding the interpretation and application of this policy should be directed to the Director, Employee Relations and Workforce Compliance.