

# ***Human Resources Policy***

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## **Policy Against Sexual Harassment**

### **POLICY STATEMENT**

Constellation is committed to providing a work environment free from sexual harassment. Sexual harassment is illegal, prohibited by the Constellation Code of Business Conduct and is inconsistent with the Company's values of respect, belonging, diversity, and equity. Sexual harassment will not be tolerated. Likewise, Constellation will not tolerate retaliation against any individual who in good faith reports sexual harassment or otherwise participates in the reporting or investigation of a sexual harassment claim.

### **POLICY INTENT**

Constellation's goal is to create a respectful work environment that engages all employees and encourages them to deliver their best work. This policy against sexual harassment is part of Constellation's overall effort to eliminate harassment and discrimination in every form. To reach that goal, this policy and Constellation's Code of Business Conduct set expectations that may be more stringent than required by law.

This policy outlines the process for reporting and investigating concerns relating to sexual harassment in a prompt, thorough, and impartial manner.

Employees at any level within Constellation who engage in sexual harassment or retaliation will be subject to disciplinary action, up to and including termination of employment, as is appropriate to the circumstances and as is necessary to ensure everyone enjoys a work environment free from sexual harassment. Likewise, executives, key managers, managers, and supervisors who are aware of any actions that may violate this policy and do not take appropriate steps to address those actions will be subject to disciplinary action, up to and including termination of employment. Individuals who engage in sexual harassment, and those who fail to prevent harassment when they have a responsibility to do so, may be also subject to legal liability.

### **APPLICABILITY**

This policy applies to all employees of any Constellation company, applicants for employment, interns, contractors, customers, vendors, and all other persons who may be present in any Constellation workplace or who is conducting business with Constellation. Through this policy and other efforts, Constellation seeks to prevent all forms of sexual harassment in the workplace, regardless of whether the person engaging in or experiencing sexual harassment is a Constellation employee or the employee of a third-party conducting business with

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Sexual harassment is prohibited by federal, state, and (where applicable) local law. Where the provisions of an applicable law or regulation provide greater protections, the provisions of such law or regulation shall govern. In all cases, it is the responsibility of each Constellation company to apply this policy fairly and consistently.

## **IMPLEMENTATION**

### **DEFINITION OF SEXUAL HARASSMENT**

Sexual harassment is a form of sex discrimination and can occur in many ways. Sexual harassment is unwelcome conduct of a romantic or sexual nature directed at an individual, regardless of that individual's sex, gender, sexual orientation, actual, self-identified or perceived sex, or sexual and emotional attraction to another person, gender expression, gender identity, and/or the status of being transgender. Even if conduct was previously welcome or consensual, once it becomes unwelcome, it constitutes sexual harassment. Conduct may constitute sexual harassment even when the individual engaging in that conduct did not intend to harass or offend anyone.

Sexual harassment is unlawful when it has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the individual is not the intended target of the sexual harassment.

Sexual harassment is also unlawful when: (1) Unwelcome sexual conduct is made either explicitly or implicitly a term or condition of employment; or (2) Submission to or rejection of such unwelcome sexual conduct is used as the basis for employment decisions affecting an individual's employment. Employment decisions can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment.

Sexual harassment includes sexual misconduct, which means any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual's employment position.

The conduct prohibited by this policy may also include sexually harassing behavior that may not be considered technically unlawful, as further described in the Example of Sexual Harassment Section of this policy.

All Constellation employees, applicants, interns, contractors, vendors, and other third parties who interact with or conduct business with Constellation employees are prohibited from engaging in sexual harassment. Sexual harassment can occur between or among any employees, regardless of position in the Company, and regardless of gender, gender identity, or sexual orientation. Supervisors, subordinates, co-workers, applicants, interns, contractors, vendors, and anyone in the workplace can be either targets or harassers. .

Sexual harassment can occur anywhere in the work environment, including, but not limited to, Constellation facilities and offices, in the field, during business travel or off-site meetings, at customer locations, employer-sponsored events or parties, and on social media. Even conduct that occurs at an outside event or venue that is wholly unrelated to the workplace can violate

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this policy if it has an impact on the work environment, such as at a social event (for example, at a co-worker's wedding or at a bar or restaurant after the workday).

Sexual harassment may take place during or outside of regular working hours. Calls, texts, emails, and social media usage by employees can constitute sexual harassment, even if they occur on personal devices and/or during non-work hours.

## **EXAMPLES OF SEXUAL HARASSMENT**

Sexual harassment may be physical, verbal, written, graphic, and any combination of such forms of conduct that is of a sexual nature or has sexual connotations or innuendo. (For purposes of illustration, scenarios detailing examples of policy violations are set forth in Attachment B.) Behavior that may constitute sexual harassment includes, but is not limited to:

- Physical acts of a sexual nature, such as:
  - Unwelcome touching an individual by massaging their back, neck or shoulders, pinching, patting, kissing, hugging, grabbing, fondling, brushing against another employee's body, touching/pulling an individual's clothing or hair, standing too close or lingering
  - Rape, sexual battery, molestation or attempts to commit these assaults
- Unwelcome sexual advances or propositions, whether made in person or over virtual platforms or messaging apps, such as:
  - Requests to meet outside of work or for dates
  - Comments or innuendos about clothing, anatomy, appearance, or sexual jokes or stories, or playing or singing sexually suggestive songs
  - Requests for sexual favors
  - Subtle or obvious pressure/coercion for unwelcome sexual activities
  - Giving personal gifts to a co-worker
- Sexual gestures, noises, remarks, jokes or stories, or comments that imply a sexual act or sexual anatomy, or touching oneself in a sexual manner.
- Comments or inquiries about sexuality, sexual experiences, sexual fantasies, sexual preferences, sexual history, or sex life about oneself or others.
- Non-consensual sexual conduct.
- Conditioning an employee's job benefits on the receipt of sexual favors or a sexual relationship; Job benefits can include hiring, promotion, compensation, transfer, offers of overtime work, continued employment or any other terms, conditions, or privileges of employment. Implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments are strictly prohibited.
- Interfering with an employee's work environment, such as destroying, damaging, or sabotaging a person's work, work area, tools, or equipment.

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- Calls, messages, “sexting” (electronically sending messages with sexual content, including pictures and video), and the use of sexually explicit language or threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Instagram), even if they occur away from the workplace premises, on personal devices, or during non-work hours.
- Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, computer images, other electronic device images, or other materials that are sexually demeaning, sexually suggestive, or pornographic. This also extends to the virtual or remote workspace and can include having such materials visible in the background during a virtual meeting.
- Accessing, creating, or distributing sexual content on workplace computers and BYOD devices while at work and/or connected to Company servers.
- Physical or cyber stalking.
- Sex stereotyping (when conduct or personality traits are considered inappropriate simply because they may not conform to other people’s ideas or perceptions about how individuals of a particular sex should act or look).
- Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity, or gender expression, including intentional misuse of an individual’s preferred pronouns.
- Any conduct that is, or could be construed to be, of a sexual nature or a sexual advance if the target advises the conduct is unwelcome or otherwise asks that the conduct stop.

If any of the above conduct is unwelcome, even if previously welcome, it must stop. Seemingly innocuous comments, requests, and actions may rise to the level of behavior prohibited by this policy if the recipient advises that the conduct is unwelcome, or otherwise asks the conduct to stop, yet the comments, requests, and/or actions are repeated. For example, an employee who asks another employee for a date and receives a negative or an ambiguous response must not continue to ask that employee for dates.

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## Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is **required** to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing workplace harassment.

## **WORKPLACE DATING AND PERSONAL RELATIONSHIPS**

When one person can determine or influence the terms, conditions, and privileges of employment of another person, the two cannot be involved in a dating, romantic, or sexual relationship. Such relationships are a violation of this Policy. Other workplace dating and romantic relationships that are not prohibited must be welcome and consensual and must otherwise comply with this Policy.

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## **RESPONSIBILITIES**

Managers and supervisors at all levels of the Company are required to ensure that all employees are treated with respect and dignity in the workplace. A manager or supervisor who observes or becomes aware of conduct that could be construed as sexual harassment or retaliation must immediately address the conduct to ensure that it stops and contact the local Human Resources representative. Managers and supervisors must report the conduct to Human Resources even if they believe that the underlying concerns have been addressed.

All employees are expected to conduct themselves in a professional manner and are prohibited from engaging in sexual harassment or retaliation or knowingly permitting such conduct by others.

## **FILING A REPORT AND CONSTELLATION'S INVESTIGATION PROCEDURES**

### **Step 1: Whom to contact**

Any individual who becomes aware of actions or conditions that could be construed as sexual harassment or retaliation must report this information following the Reporting Procedures listed below.

If an individual believes he/she/they are being subjected to sexual harassment or retaliation, the individual is encouraged, but is not required, to tell the offending person to stop the objectionable behavior. If such informal requests are ineffective or impractical under the circumstances, or the individual is uncomfortable confronting the offending person, the individual should immediately report the behavior, either orally or in writing, to the Ethics Hotline at 1-800-233-8442, or any one of the following resources as soon as reasonably possible after the conduct occurs to help ensure an effective investigation:

- Any individual in the individual's departmental leadership chain, including going directly to his/her Department Head;
- The Human Resources generalist, business partner, manager, or Vice President for that individual's group, department, location, or Operating Company;
- The Legal Department for Constellation or for the individual's Operating Company;
- The Employee Concerns Program for the individual's work location (Constellation Nuclear only);
- To the extent that the complaining individual feels threatened or intimidated, the Constellation Security Operations Center (1-888-414-2762) or the Security Department with authority for their work location;
- Constellation's Ethics Department, which may be contacted in three ways, including options for anonymous reporting:
  - Via email at [EthicsOffice@Constellation.com](mailto:EthicsOffice@Constellation.com) (NOT anonymous);

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- Constellation Ethics Help Line at 1-844-927-2282 (option to remain anonymous); or,
- Ethics Department web portal by entering [Constellation Ethics Help Line](#) (option to remain anonymous).

## **Step 2: The Investigation**

Reports of sexual harassment or retaliation will be investigated promptly, thoroughly, and impartially. Upon receipt of information about a possible violation of this policy, HR and CIT will review and decide what investigation is necessary to determine whether a violation of this policy has occurred and what remedial action may be appropriate. Each investigation will be tailored to the particular circumstances and needs of the case and may include interviews and review of any related records or documentation.

All employees, including executives, managers, and supervisors, are required to cooperate in the investigation, the goal of which is to (1) identify any policy violations related to the allegations; and (2) take prompt remedial action, if necessary, to ensure that all employees and other individuals enjoy a work environment that is free from sexual harassment. Failure to cooperate in an investigation may result in disciplinary action. Furthermore, every employee has the duty to be truthful and must disclose all information known to the employee when requested to do so by an appropriate person in the organization or the person designated by the organization to investigate an alleged incident of harassment. In addition to having a duty to cooperate with an investigation of sexual harassment, employees who have information about or who witness an act of sexual harassment against an employee are required to report all information to the appropriate employee at Constellation. Any employee who fails to be completely truthful or who withholds information may be subject to disciplinary action.

Constellation recognizes and respects an employee's right to privacy and the need for confidentiality and the freedom to make their own decisions. Constellation shall maintain the confidentiality of an employee's disclosure regarding sexual harassment to the extent possible, or unless to do so may result in physical harm to any person, and/or jeopardize safety within the workplace.

If investigation participants have questions about the investigation, or otherwise need support, that cannot be answered or provided by the investigators conducting that investigation, the resources in Constellation's Employee Assistance Program are available to them.

## **Step 3: Investigation Results**

If the investigation substantiates that a violation of this policy and/or the Constellation Code of Business Conduct has occurred, Constellation will take corrective action that is necessary to correct the conduct and remediate the work environment. Corrective action may include, but is not limited to, discipline for individuals up to and including termination, coaching, performance rating impact, separate work locations for the offending and reporting individuals, and individual or group training. To ensure that corrective actions are proportional to the violation and sufficient to remediate the situation, all recommendations for corrective action will be referred for review by Operating Company HR and Legal.

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After the investigation has concluded, the investigator will promptly reach out to the reporting individual in order to discuss the conclusions reached in the investigation and, to the extent possible, the corrective actions to be taken. The Company, however, will not divulge confidential employment information regarding its employees. Questions regarding investigations and/or investigation results may be directed to the Ethics Department.

## **PROHIBITION AGAINST RETALIATION**

Retaliation for reporting sexual harassment is illegal, and Constellation will not tolerate retaliation against employees or any other individuals who, in good faith, report, investigate, participate as witnesses in investigations, or otherwise support reports or investigations of sexual harassment. Retaliation can be any action that could discourage an individual from making or supporting a sexual harassment claim. Retaliation includes, but is not limited to, taking disciplinary action against the employee, reassigning their duties or workspace, denying requests for leave, demotions, and the like. Allegations of retaliation will be investigated, and appropriate remedial action will be taken. Conduct that constitutes retaliation need not be job-related or occur in the workplace (e.g., threats of physical violence outside of work hours). Such retaliation is unlawful under federal, state, and (where applicable) local law. Any individual engaging in retaliatory behavior may be subject to disciplinary action, including termination of employment. For any suspected retaliation concerns, contact a supervisor, any manager, or Human Resources. The forms of activity that are legally protected from retaliation include:

- Reporting sexual harassment, either internally with Constellation or with any anti-discrimination agency;
- Testifying or assisting in a proceeding involving sexual harassment under anti-discrimination laws;
- Opposing sexual harassment by making a verbal or informal report to management, or by simply informing a supervisor or manager of harassment;
- Investigating claims of sexual harassment;
- Reporting that another employee has been sexually harassed; or
- Encouraging a fellow employee to report sexual harassment.

Even if the reported harassment is not found to be a violation of law or this policy, retaliation against the individual who made the report in good faith is prohibited.

## **TRAINING**

**Employees will be required to participate in sexual harassment prevention training annually.**



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## **STATE AND FEDERAL RESOURCES**

The purpose of this policy is to establish prompt, thorough, impartial, and effective procedures for responding to every report and incident so that problems can be identified and remedied internally. However, an employee has the right at any time to file a formal discrimination, harassment, or retaliation complaint with any authorized city, county, state, or federal government agency. Using Constellation's complaint process does not prohibit you from filing a complaint with those agencies.. Employees who wish to contact the U.S. Equal Employment Opportunity Commission should go to <http://www.eeoc.gov/field/> to find out the addresses and phone numbers of their local offices. Employees may also contact the state or local agency for their work location. See Attachment A for state and local agency contact information.

## **VIOLATIONS OF THIS POLICY**

Individuals who violate this policy will be subject to disciplinary action, up to and including termination of employment. Other corrective action may include, but is not limited to, performance management, demotion, reassignment, and/or reduction in compensation or bonus.

## **QUESTIONS**

Employees or other individuals who have questions about this policy should contact a Human Resources representative, the Constellation Ethics Hotline at 1-844-927-2282 or Constellation's Ethics and Compliance Office via the Constellation internet site or by entering:

<https://secure.ethicspoint.com/domain/media/en/gui/82357/index.html>

## **ATTACHMENTS**

Attachment A – State Agency Contacts

Attachment B – Harassment Scenarios

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## ATTACHMENT A STATE ANTI-DISCRIMINATION AGENCY LIST CALIFORNIA

<b>Agency: Website:</b>	<b>DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING</b> <a href="https://www.dfeh.ca.gov/">https://www.dfeh.ca.gov/</a>
<b>Contact Information:</b>	<p>Headquarters: 2218 Kausen Drive, Suite 100 Elk Grove, CA 95758 Tel: 800.884.1684 Email: <a href="mailto:contact.center@dfeh.ca.gov">contact.center@dfeh.ca.gov</a></p> <p>4800 Stockdale Highway, Suite 215 Bakersfield, CA 93309 Tel: 661.395.2729</p> <p>39141 Civic Center Drive, Suite 250 Fremont, CA 94538 Tel: 510.789.1085</p> <p>1277 E. Alluvial Avenue, Suite 101 Fresno, CA 93720 Tel: 559.244.4760</p> <p>320 West 4<sup>th</sup> Street, 10<sup>th</sup> Floor Los Angeles, CA 90013 Tel: 213.439.6799</p>

## CONNECTICUT

<b>Agency: Website:</b>	<b>COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES (CHRO)</b> <a href="https://www.ct.gov/chro/site/default.asp">https://www.ct.gov/chro/site/default.asp</a>
<b>Contact Information:</b>	<p>CENTRAL OFFICE: 450 Columbus Boulevard Hartford, CT 06103-1835 Tel: 860.541.3400 Connecticut Toll Free 1-800-477-5737</p> <p>CAPITOL REGION OFFICE: 450 Columbus Boulevard Hartford, CT 06103 Tel: 860.566.7710 Email: <a href="mailto:CHRO.Capitol@ct.gov">CHRO.Capitol@ct.gov</a></p> <p>EASTERN REGION OFFICE:</p>

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	<p>100 Broadway Norwich, CT 06360 Tel: 860.886.5703 Email: <a href="mailto:CHRO.Eastern@ct.gov">CHRO.Eastern@ct.gov</a></p> <p>WEST CENTRAL REGION OFFICE: Rowland State Government Center 55 West Main Street, Suite 210 Waterbury, CT 06702-2004 Tel: 203.805.6530 Email: <a href="mailto:CHRO.WestCentral@ct.gov">CHRO.WestCentral@ct.gov</a></p> <p>SOUTHWEST REGION OFFICE: 350 Fairfield Avenue, 6th Floor Bridgeport, CT 06604 Tel: 203.579.6246 Email: <a href="mailto:CHRO.Southwest@ct.gov">CHRO.Southwest@ct.gov</a></p>
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## DELAWARE

<b>Agency:</b>	<b>DELAWARE DIVISION OF INDUSTRIAL AFFAIRS</b>
<b>Website:</b>	<a href="https://dia.delawareworks.com/discrimination/sexual-harassment.php">https://dia.delawareworks.com/discrimination/sexual-harassment.php</a>
<b>Contact Information:</b>	<p>24 NW Front Street, Suite 100 Milford, DE 19963 Tel: 302.442.1134</p> <p>Pencader Corporate Center 225 Corporate Boulevard, Suite 224 Newark, DE 19702 Tel: 302.451.3423</p> <p>4425 North Market Street Wilmington, DE 19802 Tel: 302.761.8200</p>
<b>Contact Information:</b>	

## DISTRICT OF COLUMBIA

<b>Website:</b>	<b>Office of Human Rights</b> <a href="https://ohr.dc.gov">https://ohr.dc.gov</a>
<b>Contact Information:</b>	<p>441 4<sup>th</sup> Street, NW, Suite 570 North, Washington, DC 20001 Tel: 202.727.4559</p>

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## ILLINOIS

<b>Agency: Website:</b>	<b>ILLINOIS DEPARTMENT OF HUMAN RIGHTS</b> <a href="https://www2.illinois.gov/sites/ihrc/Pages/default.aspx">https://www2.illinois.gov/sites/ihrc/Pages/default.aspx</a>
<b>Contact Information:</b>	Department of Human Rights 555 W. Monroe Street, Suite 700 Chicago, IL 60601 312-814-6200 312-740-3953 (TTY)  James R. Thompson Center 100 W. Randolph Street Suite 5-100 Chicago, Illinois 60601 Tel: 312-814-6269  Human Rights Commission 1000 E. Converse Suite 1232N Springfield, Illinois 62702 Tel: 217-785-4350  Email: <a href="mailto:HRC.News@Illinois.gov">HRC.News@Illinois.gov</a>  <b>Chicago Commission on Human Relations</b> 740 N. Sedgwick, 4th Floor Chicago, IL 60654 312-744-4111 <a href="mailto:cchr@cityofchicago.org">cchr@cityofchicago.org</a>
<b>Contact Information:</b>	

## MASSACHUSETTS

<b>Agency: Website:</b>	<b>MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION (MCAD)</b> <a href="https://www.mass.gov/mcad">Massachusetts Commission Against Discrimination   Mass.gov</a>
<b>Contact Information:</b>	HEADQUARTERS: 1 Ashburton Place, Suite 601 Boston, MA 02108 Tel: 617.994.6000  NEW BEDFORD OFFICE: 128 Union Street, Suite 206 New Bedford, MA 02740 Tel: 774.510.5801

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	<p>SPRINGFIELD OFFICE: 436 Dwight Street, Rm 220 Springfield, MA 01103 Tel: 413.739.2145</p> <p>WORCESTER OFFICE: 484 Main Street, Rm 320 Worcester, MA 01608 Tel: 508.453.9630</p> <p>Email: <a href="mailto:mcad@mass.gov">mcad@mass.gov</a></p>
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## MARYLAND

<b>Agency: Website:</b>	<p><b>MARYLAND COMMISSION ON CIVIL RIGHTS</b> <a href="http://www.mccr.maryland.gov">www.mccr.maryland.gov</a></p>
<b>Contact Information:</b>	<p>6 Saint Paul Street, Suite 900 Baltimore, MD 21202 Tel: 410.767.8600</p> <p>Email: <a href="mailto:mccr@maryland.gov">mccr@maryland.gov</a></p>

## NEW JERSEY

<b>Agency: Website:</b>	<p><b>NEW JERSEY OFFICE OF THE ATTORNEY GENERAL—DIVISION ON CIVIL RIGHTS</b> <a href="http://www.nj.gov/oag/dcr">www.nj.gov/oag/dcr</a></p>
<b>Contact Information:</b>	<p><b>NORTHERN REGIONAL OFFICE:</b> 31 Clinton Street, 3<sup>rd</sup> Fl Newark, NJ 07102 Tel: 973.648.2700</p> <p><b>CENTRAL REGIONAL OFFICE:</b> 140 East Front Street, 6<sup>th</sup> Fl Trenton, NJ 08625 Tel: 609.292.4605</p> <p><b>SOUTHERN REGIONAL OFFICE:</b> 5 Executive Campus, Suite 107 Cherry Hill, NJ 08034 Tel: 856.486.4080</p> <p><b>SOUTH SHORE REGIONAL OFFICE:</b> 1325 Boardwalk, 1<sup>st</sup> Fl Tennessee Ave. &amp; Boardwalk Atlantic City, NJ 08401 Tel: 609.441.3100</p>

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## NEW YORK

<b>Agency: Website:</b>	New York State Division of Human Rights <a href="https://www.dhr.ny.gov">https://www.dhr.ny.gov</a> DHR sexual harassment hotline – 1(800)HARASS3  <a href="https://www.ny.gov/programs/combating-sexual-harassment-workplace">https://www.ny.gov/programs/combating-sexual-harassment-workplace</a>
<b>Contact Information:</b>	NYS Division of Human Rights One Fordham Plaza, Fourth Floor Bronx, NY 10458 Tel: 718.741.8400

## TEXAS

<b>Agency: Website:</b>	<b>Texas Workforce Commission – Civil Rights Division:</b> <a href="http://www.twc.texas.gov/jobseekers/employee-rights-laws">www.twc.texas.gov/jobseekers/employee-rights-laws</a>  <b>City of Austin Equal Employment and Fair Housing Office:</b> <a href="http://www.austintexas.gov/department/equal-employment-and-fair-housing-office">www.austintexas.gov/department/equal-employment-and-fair-housing-office</a>  <b>Fort Worth Human Relations Department:</b> <a href="http://www.fortworthtexas.gov">Employment &amp; Human Resources – Welcome to the City of Fort Worth (fortworthtexas.gov)</a>
<b>Contact Information:</b>	<b>Texas Workforce Commission -- Civil Rights Division</b>  Mailing Address: 101 East 15 <sup>th</sup> Street, Guadalupe CRD Austin, TX 78778
<b>Contact Information:</b>	Physical Address: 1215 Guadalupe Street Austin, TX 78701 Tel: 512.463.2642  <b>City of Austin Equal Employment and Fair Housing Office</b> 1050 East 11 <sup>th</sup> Street Austin, TX 78702 Tel: 512.974.3251  <b>Fort Worth Human Relations Department</b> 818 Missouri Avenue Fort Worth, TX 76102 Tel: 817.392.7525

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## ATTACHMENT B

### EXAMPLES OF SITUATIONS THAT CONTITUTE VIOLATIONS OF CONSTELLATION'S POLICY AGAINST SEXUAL HARASSMENT

These scenarios are for illustrative purposes only. All reports of sexual harassment will be investigated and dispositioned on a case-by-case basis consistent with company policies and procedures

**Scenario A:** Marcus and Leo are co-workers in the same service building. On Fridays, they usually go to a bar together after work to meet up with a group of other co-workers. Marcus often makes sexual comments to Leo and others, including women in the group, about women at the bar. A few weeks ago, Marcus started texting Leo and a few other co-workers sexually suggestive memes during the workday. Leo didn't respond to the texts and when they went for drinks last Friday, Leo told Marcus he didn't think they were funny. The next week Marcus sent several more texts with sexual jokes and pictures. Leo skipped two meetings during the week to avoid Marcus.

**Policy violations:** Marcus' texts of a sexual nature to Leo and others are part of the work environment and violate the policy. Leo has indicated the texts are unwelcome, and they are interfering with work because he is skipping meetings to avoid Marcus.

**Scenario B:** Dawn is an individual contributor who reports up to Jack, VP of the department. During their department meetings, Jack has made comments about Dawn to the other, all male, management attendees, like: "Dawn is a perfect example that women can be smart *and* attractive"; "I know Dawn's budget will be approved if she wears that dress"; "Let's hire more employees who look like Dawn." Dawn doesn't like Jack's comments, but because he's the VP, she doesn't say anything, and no one else in the meeting objects. Jack also often stops by Dawn's office to chat at the end of the day, and one night at 11 pm Jack texted Dawn: "Wish you were at this conf – we'd have a great time." Jack has asked Dawn to lunch and for a drink, and both times she declined with a work excuse. A promotion to a director level role recently became available in another business unit, and Jack proactively recommended Dawn to the department VP. When Dawn was selected for an interview, Jack offered to provide her some interviewing tips over dinner.

**Policy violations:** Jack's comments about Dawn's physical appearance, even if complimentary, violate the policy. The supervisors in the meetings are not meeting their obligation to stop or report the comments. Jack's repeated invitations to meet outside of work, after Dawn declined, also violate the policy. As a VP, Jack has the ability to influence the terms, conditions, and privileges of Dawn's employment even outside of his reporting chain, and his recommendation for a promotion is a violation of the policy if conditioned on a sexual relationship or conduct.

**Scenario C:** Nadia and Antonio sit in adjacent cubicles. Nadia often comes over to Antonio's cubicle to chat, and she frequently puts her hand on his shoulders and leans over him to point something out on the computer. Antonio ends the conversations by saying he has to get back to work. Nadia has started leaving small gifts on Antonio's desk in the morning, like homemade cookies and candy. Nadia and Antonio, and some of their co-workers, are friends on Facebook. Nadia has posted some comments on Antonio's Facebook page, including a picture of a celebrity with a comment "You're way hotter" and a picture of Antonio at his desk with the comment

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“Somebody’s watching you...” Last week, as Antonio was leaving for vacation, Nadia jumped up and hugged him goodbye. She texted him frequently while he was away, both work-related and personal messages, including: “Miss you!” She also commented on the pictures he posted of his trip on Facebook, including: “Bring me next time – I’ll wear my bikini” and “What happens in Vegas doesn’t stay in Vegas.” When Antonio returned, he unfriended Nadia on Facebook and asked Nadia not to text him outside of work unless it was work-related. After that, Nadia stopped talking to Antonio and failed to forward an important meeting invite to him. Other co-workers who are friends with Nadia stopped asking him to lunch.

**Policy violations:** Unwelcome physical contact and personal gifts violate the policy. Sexual or suggestive posts on a co-worker’s social media or about the co-worker on social media also violate the policy. The actions of Nadia and the other co-workers after Antonio declined her advances constitute retaliation in violation of the policy.

**Scenario D:** Joe frequently accesses pornography on his Company computer while working the night shift. Security was alerted that he was accessing these sites.

**Policy violations:** Joe’s access of pornography on his Company laptop violates the policy, even if no one else sees it.

**Scenario E:** Laura and Beth are managers in different business units at the same location. They have been in a long term, committed romantic relationship. Laura just ended the relationship. Beth has been emailing and IM’ing Laura at work asking to get back together, and often waits in the company parking lot to talk to Laura after work. At a recent Company event, Beth saw Laura’s supervisor and told him: “You better watch out for Laura. She can’t be trusted.”

**Policy violations:** Even though Laura and Beth were in a consensual relationship, once it ended and Beth’s sexual advances became unwelcome, they violated the policy. Beth’s comment to Laura’s supervisor is retaliatory.