



Human Resources Policy

Policy Against Discrimination, Harassment, and Retaliation

HR-AC-72

Revision 7

Review Type: 2-year

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POLICY STATEMENT

Constellation is committed to a work environment free from discrimination, harassment, and retaliation. Constellation prohibits discrimination or harassment based on race, color, gender, pregnancy, sexual orientation, gender identity or expression, transgender status, age, disability, religion, marital status, familial status, national origin, ethnicity, military status, genetic information, or any other legally protected characteristic. Constellation also prohibits all forms of retaliation against individuals who make good faith reports of discrimination or harassment, or who otherwise participate in the reporting or investigation of such claims. Harassment, discrimination, and retaliation are inconsistent with Constellation's values and prohibited by the Constellation Code of Business Conduct and will not be tolerated.

POLICY INTENT

Constellation's goal is to create a respectful work environment that engages all employees and encourages them to deliver their best work. Performance and behaviors, not personal characteristics such as those protected by federal, state, and local laws, should be the basis for decisions affecting terms and conditions of employment. This policy is part of Constellation's overall effort to eliminate discrimination and harassment in every form. In order to reach that goal, this policy and Constellation's Code of Business Conduct set expectations that are more stringent than required by law.

Employees at any level within Constellation who engage in discrimination, harassment, or retaliation will be subject to disciplinary action, up to and including immediate termination of employment, as determined at the Company's discretion. 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. Harassers, and those who fail to prevent harassment when they have a responsibility to do so, may also be individually subject to legal liability.

In addition to the provisions of this policy, Constellation maintains a Policy Against Sexual Harassment (HR-AC-73). Employees are expected to review and to comply with that policy, to understand what constitutes sexual harassment, and to know how to address sexual harassment in the workplace.



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APPLICABILITY

This policy applies to all employees of any Constellation company, applicants for employment, interns (paid or unpaid), contractors, customers, and all other persons who may be present in any Constellation workplace or who is conducting business with Constellation. Harassment, discrimination, and retaliation are 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 Operating Company to apply this policy fairly and consistently.

DEFINITIONS

Discrimination: Making employment decisions or treating applicants or employees disparately in the terms or conditions of employment based on any legally protected personal characteristic.

Harassment: Unwelcome conduct based on the legally protected personal characteristics of an individual or group. Harassment becomes unlawful when participating in the unwelcome conduct becomes a condition of continued employment, or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Conduct that constitutes harassing behavior is prohibited by this policy regardless of whether it constitutes unlawful harassment.

Retaliation: Treating individuals in a "punishing" way because they have made a good faith complaint about or opposed discriminatory, harassing, or retaliatory conduct; because the individual requested an accommodation based on disability, pregnancy, or religion; or, because the individual has testified or participated in any way in an investigation, proceeding, or litigation involving discrimination or harassment, even if the complaint is not substantiated.

EXAMPLES OF HARASSMENT

Harassment is a form of employment discrimination. Even if conduct was previously welcome or consensual, once it becomes unwelcome it constitutes harassment. Conduct may constitute harassment even when the individual engaging in that conduct did not intend to harass or offend anyone.

All Constellation employees, applicants, interns, contractors, and other third parties who interact with or conduct business with Constellation employees, are prohibited from engaging in harassment. Harassment can occur between or among any employees, regardless of position in the Company or protected personal characteristic.



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Harassment can occur anywhere in the work environment, including, but not limited to, in the office and in the field and at meals, business travel, off-site meetings, customer locations, employer-sponsored events or parties, and social media. Even conduct that occurs at an outside event or venue that is wholly unrelated to the workplace can violate this policy if it has an impact on the work environment.

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

Harassment may be physical, verbal, written, graphic, and any combination of such forms of conduct that is based on a legally protected personal characteristic. Behavior that may result in harassment include, but are not limited to:

- Verbal abuse or ridicule; comments that demean individuals or groups; and offensive gestures, remarks, jokes, and comments whether made in person or over virtual platforms and in messaging apps when working remotely.
- Intimidating or otherwise unwelcome physical conduct
- Pranks or horseplay
- Any deliberate action or lack of action that results in workplace exclusion, rejection or isolation (ostracizing), including intentional and repeated misuse of an individual's preferred pronouns.
- Displaying offensive or inappropriate pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, videos in work areas, at customer locations to which employees are assigned, in the background of remote workspaces during virtual meetings, on company vehicles, lockers, tool boxes, or storage areas, including the use of Company email, internet, or servers to access and/or distribute such materials
- Calls, messages, and the use of explicit inappropriate language, harassment, and 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 Twitter), even if they occur away from workplace premises, on personal devices, or during non-work hours

Commented [A1]: This is taken directly from the EEOC's guidance on harassment. The portion of that guidance that talks about gender identity including misgendering is subject to a court challenge at this time and once the EEOC has a quorum it is expected to vacate this part of the guidance. Takeaway is that there's uncertainty here so just a note for you that we may need to revise this pending further legal challenges. For now I think we should keep it in since the EEOC guidance is still in place.



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- Accessing discriminatory, demeaning, or other offensive or inappropriate materials on workplace computers and BYOD devices while in the workplace and/or connected to Company servers
- Using epithets or crude terms regarding legally protected personal characteristics, even in a joking manner

Abusive, demeaning, belittling, intimidating, mocking, bullying, or other forms of harassing conduct, even if not based on an individual's or group's legally protected characteristics, nonetheless is inconsistent with Constellation values and expectations and therefore is prohibited. Refer to the Constellation Corporation Code of Business Conduct, p. 11 ("Respectful Workplace").

RESPONSIBILITIES

All Constellation employees, contractors, and other third parties who interact with or conduct business with Constellation employees, are prohibited from engaging in harassment, discrimination, or retaliation.

Managers and supervisors, and all other employees who make employment-related decisions on behalf of Constellation, are prohibited from making employment decisions or treating applicants or employees disparately in the terms or conditions of employment based on any legally protected personal characteristic.

Managers and supervisors who observe or become aware of conduct that could be discriminatory, harassing, or retaliatory must immediately report the conduct to Human Resources and address the conduct. Managers and supervisors must report the conduct to Human Resources even if they believe the underlying concern is resolved, even if they believe someone else may have reported the conduct, and even if the impacted individual asks that the manager or supervisor not report the conduct.

Commented [A2]: Updated consistent with the COBC updates



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Reporting and Investigation Procedure

Step 1: Whom to contact

An individual who becomes aware of actions or conditions that could be construed as discriminatory, harassing, or retaliatory should report this information following the Reporting Procedures listed below.

If an individual believes he or she is being subjected to discrimination, harassment, or retaliation, or witnesses such conduct, 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 employee is uncomfortable engaging the offending person, the employee should immediately report the behavior, formally or informally, verbally or in writing, to the Ethics Hotline at 1-844-927-2282, or any one of the following resources:

- 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 BSC 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 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 Ethics Office, which may be contacted in three ways, including options for anonymous reporting:
 - Via email at EthicsOffice@Constellation.com (NOT anonymous);
 - Ethics Office Hotline at 1-844-927-2282 (option to remain anonymous); or,



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- o Ethics Office web portal (on the Constellation intranet home page, under the "Services & Support" menu, select the link for "Report Ethics Concern", or entering [Constellation Ethics Help Line](#) (option to remain anonymous).)

Commented [A3]: Do we not want to include a link to the webpage? It's located externally. I think it would be good to do so.

Step 2: The Investigation

Reports of harassment, discrimination, or retaliation will be investigated promptly, thoroughly, and impartially and under the oversight of the Ethics Office in accordance with LE-DO-205, the policy for Investigating and Resolving Alleged Violations of the Code of Business Conduct. Upon receipt of information about a possible violation of this policy, Ethics will promptly review and decide what investigation is necessary to determine whether a violation of this policy has occurred and what remedial action can be made. Each investigation will be tailored to the particular situation and may include interviews and review of any related records or documentation. All employees, including executives, managers, and supervisors, are required by the Code of Business Conduct to cooperate in the investigation.

Although complete confidentiality is not possible, Constellation will conduct the investigation as confidentially as possible. The length and scope of each investigation depends on the complexity of the behaviors under review as well as the availability and number of persons to be interviewed.

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, performance rating impact, compensation impact, separate work locations for the offending and reporting individuals, and individual or group training. In order to ensure that corrective actions are proportional to the violation and sufficient to remediate the situation, all recommendations for corrective action will be reviewed by Ethics, Operating Company HR and Legal, Labor and Employment. Corrective actions will be as consistent as possible with similar incidents across all Constellation companies, recognizing that facts may differ materially from case to case.

After the investigation has concluded, the investigator promptly will discuss with the reporting employee the conclusions reached in the investigation and corrective actions to be taken. The Company, however, will not divulge confidential employment information regarding another employee. Questions regarding investigations and/or investigation results may be directed to the Ethics Office.



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PROHIBITION AGAINST RETALIATION

Constellation will not tolerate retaliation against employees who report or support reports of discrimination or harassment in good faith. Retaliation can be any action that could discourage an individual from making or supporting a harassment or discrimination report. Conduct that constitutes unlawful retaliation need not be job-related or occur in the workplace (e.g., threats of physical violence outside of work hours or disparaging someone on social media). Retaliation is unlawful under federal, state, and (where applicable) local law.

Examples of circumstances that could rise to level of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Undermining an individual's immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual's desk to a less desirable office location.

The forms of activity that are legally protected from retaliation include:

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



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Even if the reported conduct does not turn out to rise to the level of a violation of law or this policy, retaliation against the individual who made the report in good faith is prohibited.

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 of harassment, discrimination, or retaliation 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, state or federal government agency. Using Constellation's complaint process does not prohibit an employee from filing a complaint with those agencies. The U.S. Equal Employment Opportunity Commission has a statutory period for filing a claim (300 days), and the filing periods with state and local agencies may be different. Employees who wish to contact the EEOC 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.

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 intranet site and selecting the link "Report an Ethics Concern" or going to:

[Constellation Ethics Help Line](#)

CONSTELLATION CORPORATE POLICY REFERENCE

Policy Against Sexual Harassment (HR-AC-73)

Workplace Accommodations (HR-AC-12)

Equal Employment Opportunities (HR-AC-11)



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Equal Employment Opportunities Program (HR-AC-63)

Constellation Code of Business Conduct (LE-AC-201)

Investigating and Resolving Alleged Violations of the Code of Business Conduct (LE-DO-205)



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ATTACHMENT A
STATE ANTI-DISCRIMINATION AGENCY LIST

CALIFORNIA

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

CONNECTICUT

Agency: Website:	COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES (CHRO) https://www.ct.gov/chro/site/default.asp
Contact Information:	CENTRAL OFFICE: 450 Columbus Boulevard Hartford, CT 06103-1835 Tel: 860.541.3400 Connecticut Toll Free 1-800-477-5737



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	<p>CAPITOL REGION OFFICE: 450 Columbus Boulevard Hartford, CT 06103 Tel: 860.566.7710 Email: CHRO.Capitol@ct.gov</p> <p>EASTERN REGION OFFICE: 100 Broadway Norwich, CT 06360 Tel: 860.886.5703 Email: CHRO.Eastern@ct.gov</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: CHRO.WestCentral@ct.gov</p> <p>SOUTHWEST REGION OFFICE: 350 Fairfield Avenue, 6th Floor Bridgeport, CT 06604 Tel: 203.579.6246 Email: CHRO.Southwest@ct.gov</p>
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DELAWARE

Agency: Website:	DELAWARE DIVISION OF INDUSTRIAL AFFAIRS https://dia.delawareworks.com/discrimination/sexual-harassment.php
Contact Information:	24 NW Front Street, Suite 100 Milford, DE 19963 Tel: 302.442.1134 Pencader Corporate Center 225 Corporate Boulevard, Suite 224 Newark, DE 19702 Tel: 302.451.3423



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	4425 North Market Street Wilmington, DE 19802 Tel: 302.761.8200
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DISTRICT OF COLUMBIA

Website:	Office of Human Rights https://ohr.dc.gov
Contact Information:	441 4 th Street, NW, Suite 570 North, Washington, DC 20001 Tel: 202.727.4559

ILLINOIS

Agency: Website:	ILLINOIS DEPARTMENT OF HUMAN RIGHTS https://www2.illinois.gov/sites/ihrc/Pages/default.aspx
Contact Information:	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 <u>Email:</u> HRC.News@Illinois.gov

MASSACHUSETTS

Agency: Website:	MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION (MCAD) Massachusetts Commission Against Discrimination Mass.gov
Contact Information:	HEADQUARTERS: 1 Ashburton Place, Suite 601



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Contact Information:	<p>Boston, MA 02108 Tel: 617.994.6000</p> <p>NEW BEDFORD OFFICE: 128 Union Street, Suite 206 New Bedford, MA 02740 Tel: 774.510.5801 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: mcad@mass.gov</p>
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MARYLAND

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

NEW JERSEY

Agency: Website:	<p>NEW JERSEY OFFICE OF THE ATTORNEY GENERAL— DIVISION ON CIVIL RIGHTS www.nj.gov/oag/dcr</p>
Contact Information:	<p>NORTHERN REGIONAL OFFICE: 31 Clinton Street, 3rd Fl Newark, NJ 07102</p>



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Contact Information:	<p>Tel: 973.648.2700</p> <p>CENTRAL REGIONAL OFFICE: 140 East Front Street, 6th Fl Trenton, NJ 08625 Tel: 609.292.4605</p> <p>SOUTHERN REGIONAL OFFICE: 5 Executive Campus, Suite 107 Cherry Hill, NJ 08034 Tel: 856.486.4080</p> <p>SOUTH SHORE REGIONAL OFFICE: 1325 Boardwalk, 1st Fl Tennessee Ave. & Boardwalk Atlantic City, NJ 08401 Tel: 609.441.3100</p>
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NEW YORK

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

TEXAS

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