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## POLICY

SUBJECT: Sexual Harassment Prevention

POLICY:

DCEC (the “Cooperative”) is committed to maintaining a work environment free from sexual harassment, which is one form of employment discrimination. This Policy is one component of the Cooperative’s commitment to a discrimination-free work environment.

- A. This Policy applies to all employees and directors. It also applies to individuals who are not employees of the Cooperative but are employees of contractors, subcontractors, vendors, consultants, and other persons who provide services in the Cooperative’s workplace, such as interns and temporary employees.
- B. Sexual harassment is not tolerated by DCEC, and is prohibited by this Policy. Employees and other individuals covered under this Policy will be subject to disciplinary or other corrective action for any violations of this Policy, which may include termination.
- C. No person covered by this Policy shall be subject to adverse employment action because he/she makes a good faith report of an incident of sexual harassment, or provides information, or otherwise assists in any investigation of a sexual harassment report. Any person covered by this Policy, who retaliates against anyone involved in a sexual harassment investigation, is in violation of this Policy and subject to disciplinary action, which may include termination.
- D. DCEC will conduct a prompt, thorough, fair, and confidential investigation, consistent with this Policy, in response to any report of sexual harassment. The Cooperative may also investigate other circumstances of inappropriate conduct occurring in its workplace or affecting the terms and conditions of employment for its employees or other individuals working in its workplace. The Cooperative will take effective corrective action whenever sexual harassment or other inappropriate conduct is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

PROCEDURE:

- A. Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.



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- B. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:
1. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile work environment, even if the reporting individual is not the intended target of the sexual harassment;
  2. Such conduct is made either explicitly or implicitly a term or condition of employment; or
  3. Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.
- C. A sexually harassing hostile work environment can consist of threats, derogatory comments, signs, jokes, pranks, intimidation, physical contact, violence, or other conduct which is of a sexual nature, or which is directed at an individual because of that individual's sex.
- D. Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.
- E. The following is a list of some of the types of acts that may constitute sexual harassment:
1. Physical acts of a sexual nature, such as:
    - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employees' body;
    - Rape, sexual battery, molestation or attempts to commit these assaults.
  2. Unwanted sexual advances or propositions.
  3. Sexually-oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience.
  4. Written conduct such as authoring threatening, derogatory or offensive letters, e-mails, text messages, or social media posts.
  5. Sexual or discriminatory displays or publications anywhere in the workplace, such as:
    - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes sexual displays on workplace computers or cell phones in the workplace.
  6. Sex stereotyping occurs 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.

7. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or the status of being transgender.
- F. In addition to the conduct described above, the following conduct may be sexual harassment and therefore shall be prohibited by this Policy:
1. Unsolicited verbal, sexual comments (i.e., off-color jokes or stories);
  2. Subtle pressure for sexual activity;
  3. Remarks about a person's body or about sexual activities;
  4. Patting, rubbing, pinching or any other unnecessary touching;
  5. Demanding sexual favors accompanied by implied or overt threats concerning one's employment (i.e., telling an employee that they cannot be promoted or cannot receive a pay increase without submitting sexually to their Supervisor);
  6. Physical assault;
  7. Harassment directed only toward individuals of the same gender.
- G. Any and all activities described above are expressly prohibited; however, the behavior and conduct specified are examples only and are not intended to be an all-inclusive list of what the Cooperative may determine to be sexual harassment under this Policy.
- H. Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassers can be a superior, a subordinate, a coworker or anyone else in the workplace, including an independent contractor, contract worker, vendor, member, client, customer, or visitor.
- I. Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business, at employer-sponsored events, or other occasions outside work. Calls, texts, emails, and social media usage by employees containing inappropriate messages, language, or graphics may also constitute or contribute to unlawful workplace harassment, even if they occur away from the workplace, on personal devices, or during non-work hours.
- J. Retaliation includes any conduct, whether or not in the workplace or employment-related, which might deter a reasonable person from making or supporting a charge of discrimination or harassment and is directed at someone who engages in protected activity. Protected activity includes opposing a discriminatory practice, making a good faith report of a suspected violation of this Policy, filing a harassment report, participating in an investigation or proceeding of such a report, or encouraging a fellow employee to make a report.



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## REPORTING AND INVESTIGATION

### A. Reporting Sexual Harassment

1. Preventing sexual harassment is everyone's responsibility. DCEC cannot prevent or remedy sexual harassment unless it knows about it. Any employee who feels that they are a victim of sexual harassment or who observes or otherwise has reason to believe that sexual harassment is occurring in the Cooperative's workplace is required to immediately report the matter to any appropriate management official with whom they feel comfortable talking. The following reporting procedures are suggestions only; reports can be made to any supervisory personnel.
2. In the event that a sexual harassment allegation is against the employee's Supervisor, the employee should report the matter directly to the General Manager. Any allegation of sexual harassment against a Director should also be reported directly to the General Manager. If an allegation of sexual harassment is made against the General Manager, a report should be made directly to the President of the Board. All sexual harassment reports will be handled in a confidential manner by Cooperative officials, Managers and Supervisors to the extent practical.
3. Reports of sexual harassment may be made verbally or in writing. A form for submission of a written report is attached to this Policy, and all employees are encouraged to use this reporting form, but using the form is not required. Employees who report sexual harassment on behalf of another person should state clearly that the report is made on another person's behalf.
4. The availability of this reporting procedure does not preclude individuals who believe they are being harassed from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.
5. In instances where the person committing the sexual harassment or the circumstances of the sexual harassment make it difficult to report the incident to the supervisor, the CEO/General Manager, or the President of the Board, the employee shall report the incident to the Cooperative's Ombudsman, Jeff Clark at 585-362-4721 (office), 585-794-0819 (cell) or [jrclark@bsk.com](mailto:jrclark@bsk.com).

- B. Supervisory Responsibilities: Any supervisor or manager who receives a report or information about suspected sexual harassment, or observes conduct that may be sexually harassing behavior **is required to take appropriate steps to address the conduct and to report such suspected sexual harassment to the General Manager.** In addition to being subject to discipline if they engaged in sexually harassing conduct or retaliation themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

### C. Investigation of Sexual Harassment



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1. Sexual harassment reports will be immediately investigated. The investigation will be conducted on a confidential basis to the extent practical. The Cooperative's attorney may be consulted for advice, and all personnel are expected to cooperate fully in investigations. Failure to cooperate with the investigation may result in disciplinary action, up to and including termination. When appropriate, the results of the Cooperative's investigation and its recommendation will be discussed with the reporting individual before any action is taken.
  2. In conducting a fair and impartial investigation, the Cooperative's procedures will include these "due process" protections: the Cooperative will provide appropriate notice of the allegations to anyone who is the subject of a harassment report and an opportunity to provide a response to the allegations. Reporting individuals and witnesses will be provided with an appropriate opportunity to present relevant information including documents relevant to the investigation. The Cooperative may adapt and modify the investigatory procedure, in its discretion, based on the nature of the report and the conduct at issue.
  3. If the Cooperative determines that this Policy has been violated, it will take effective remedial action commensurate with the circumstances. Any employee who has been found by the Cooperative to have harassed another employee will be subject to corrective action, up to and including discharge where appropriate. If it is concluded that a non-employee has subjected an employee or other person protected by this Policy to conduct in violation of this Policy, prompt and effective action will be taken to stop the harassment and deter any future harassment.
  4. Except as otherwise provided below, the results and recommendations of the Cooperative's investigation will be forwarded to the General Manager for a final decision. After reviewing the investigations results and recommendations, the General Manager will make a final decision as to the appropriate resolution of the sexual harassment allegation.
  5. If an allegation of sexual harassment is made against the General Manager, a report of the Cooperative's investigation will be submitted directly to the President of the Board and/or the Cooperative's attorney. The President of the Board shall then attempt to resolve the matter with the General Manager. If a sexual harassment allegation is made against a Director, a report of the Cooperative's investigation shall be submitted to the General Manager, and the General Manager shall bring the investigations results and recommendations to the attention of the entire Board. The Board as a whole shall then attempt to resolve the matter with the Director.
  6. When appropriate, the results of the Cooperative's investigation and its recommendation will be discussed with the reporting individual before any action is taken.



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## LEGAL PROTECTIONS AND EXTERNAL REMEDIES

- A. Sexual harassment is not only prohibited by DCEC, but is also prohibited by state, federal, and, where applicable, local law. In addition to the procedures described in this Policy, individuals may choose to pursue legal remedies with the following governmental entities:
- B. Division of Human Rights: The New York State Division of Human Rights (DHR) enforces the Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., which prohibits sexual harassment in employment in New York State, and protects employees, and other individuals working in an employer's workplace. A report alleging a violation of the Human Rights Law may be filed either with the DHR, subject to a three-year statute of limitations, or in New York State Supreme Court, also subject to a three-year statute of limitations. If unlawful discrimination is found after a hearing, the DHR or the court may award relief, which may include requiring the employer to take action to stop the harassment, to redress the damage caused, including reversing an unlawful employment action, and paying monetary damages, attorneys' fees, and civil fines. The DHR can be contacted at (888) 392-3644 or at [www.dhr.ny.gov](http://www.dhr.ny.gov).
- C. Equal Employment Opportunity Commission: The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An employee must file a report with the EEOC within 300 days from the conduct giving rise to the report. The EEOC investigates reports, and may pursue a claim in federal court on behalf of the reporting party, or issue a Right to Sue Letter that allows an individual to pursue his/her claims in federal court. Federal courts may award remedies if discrimination is found to have occurred. The EEOC can be contacted by calling 1-800-669-4000 (1-800-669-6820 (TTY)), or at their website: [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov). If an individual files an administrative report with the DHR, the DHR will file the report with the EEOC to preserve the individual's right to proceed in federal court.
- D. Local Laws: Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime, and it may be appropriate to report such conduct to the local police department.

The Cooperative will meet with employees as frequently as is necessary, but at least annually, to explain the provisions of this Policy and the Cooperative's intolerance of sexual harassment.

The Cooperative also prohibits discrimination or harassment on the basis of race, color, creed, ethnicity, disability, religion, national origin, military status, age, gender, arrest record, veteran status, sexual orientation, marital status, familial status, domestic violence victim status, criminal history, citizenship, predisposing genetic characteristics, genetic information, or any other category protected by law.



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**Sexual Harassment Reporting Form**

This form is designed to assist individuals making a report under DCEC’s Sexual Harassment Prevention Policy. If you believe you are, or have been, subject to conduct in violation of the Sexual Harassment Prevention Policy, or witness or otherwise become aware of such conduct, you are expected to report that information either verbally or in writing. It is the policy of DCEC to promptly and thoroughly investigate such reports.

If you wish to make a written report, you may use this form to do so. After completing this form, please submit it to the General Manager’s office, in person or via email. If you are more comfortable reporting verbally or in another manner, you are welcome to do so.

The Cooperative prohibits retaliation against any individual who opposes a discrimination practice, makes a good faith report of discrimination or harassment, or who participates in an investigation of such reports. Your cooperation in truthfully completing this form and providing as much accurate information as possible will enable us to investigate and respond to these matters.

**YOUR INFORMATION**

Name: \_\_\_\_\_  
Home Address: \_\_\_\_\_ Work Address: \_\_\_\_\_  
\_\_\_\_\_  
Personal Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
Job Title: \_\_\_\_\_ Email: \_\_\_\_\_  
Preferred Communication Method: \_\_\_\_\_

**SUPERVISOR’S INFORMATION**

Immediate Supervisor’s Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Work Phone: \_\_\_\_\_ Work Address: \_\_\_\_\_  
\_\_\_\_\_

**INFORMATION CONCERNING SUSPECTED HARASSMENT**

1. The name of the person(s) involved in your report

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Work Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
Other identifying information: \_\_\_\_\_  
Relationship to you: Supervisor Subordinate Co-Worker Other: \_\_\_\_\_



2. Please describe the conduct or incident(s) that are the basis of this report and your reasons for believing the conduct is harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

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3. Date(s) harassment occurred: \_\_\_\_\_

Is the harassment continuing?       Yes     No

4. Please list the name and contact information of any witnesses or individuals that may have information related to your report. Please use additional sheets of paper if necessary.

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5. Have you previously reported or provided information (verbal or written) about harassment at DCEC? If yes, when and to whom did you report or provide information?

Upon receipt of this report, a Cooperative representative will contact you. Every effort will be made to assure that confidentiality will be maintained throughout the investigatory process to the extent consistent with the need to investigate your report and to take appropriate corrective action. For additional information, see the Sexual Harassment Prevention Policy.

*The information provided in this report is true and complete and I request that DCEC investigate this report and advise me of the outcome of the investigation.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

RESPONSIBILITY: The Board of Directors, General Manager, Department Managers and Supervisors are responsible for the administration of this Policy and reporting form.

**DELAWARE COUNTY ELECTRIC COOPERATIVE, INC.**

Approved by the Board of Directors	Jun 14, 2000
Revised by the Board of Directors	Jul 26, 2011
Revised by the Board of Directors	Apr 28, 2015
Revised by the Board of Directors	Mar 7, 2017
Revised by the Board of Directors	Oct 23, 2018
Revised by the Board of Directors	Oct 21, 2019
Revised by the Board of Directors	Jan 25, 2022



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## ACKNOWLEDGEMENT

I acknowledge that I have read the Sexual Harassment Prevention Policy and Reporting Form, that I understand these documents, and that I am aware that I can bring any questions I have about this or any of the Cooperative's policies to a supervisor or to the General Manager.

Individual Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_