

RESPECT IN THE WORKPLACE

Effective Date: June 2019

It is the policy of the foundation to maintain a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere, and in a workplace that prohibits discrimination and harassment as well as retaliation against anyone who in good faith reports or participates in an investigation of discrimination or harassment. This policy, which includes Equal Employment Opportunity, Reasonable Accommodations, and Anti-Discrimination and Harassment provisions, is intended to educate all foundation employees about what may constitute as discrimination, harassment, or retaliation and to notify everyone who works here that the foundation will not condone or tolerate discrimination, harassment, or retaliation. These policies also provide information regarding when employees may be eligible to receive reasonable accommodations and how to request such accommodations, and establish a complaint procedure for anyone who may have been the subject of discrimination, harassment, or retaliation.

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the foundation to ensure equal employment opportunity for all qualified employees, interns, or applicants without discrimination on the basis of race, color, national origin, ancestry, alienage, citizenship, religion, creed, gender (including, without limitation, pregnancy, childbirth, breastfeeding or related medical conditions), self-identified or perceived sex, gender identity or expression, the status of being transgender, sexual orientation, reproductive health decisions, age, physical or mental disability, marital, familial, or partnership status, or, to the extent required by law, conviction or arrest record, unemployment status, military or veteran status, genetic predisposition or carrier status, status as a victim of domestic violence, sex offense or stalking, caregiver status, consumer credit history, or any other characteristic protected by law. The foundation prohibits and will not tolerate any such discrimination. This policy applies to all terms and conditions of employment at the foundation including recruitment, advertisements for employment, hiring, training, promotion, transfer, performance evaluation, compensation, benefits, and termination.

REASONABLE ACCOMMODATIONS

It is also the foundation's policy to make reasonable accommodations for qualified employees, interns, or applicants who have a disability or religion-based need; who need an accommodation due to pregnancy, childbirth, breastfeeding, or a related medical condition; or who have been subject to domestic violence, a sex offense, or stalking and have made those needs known to the foundation.

In such cases, the foundation will engage in an interactive process with anyone requesting accommodation to determine if a reasonable accommodation can be provided, or if accommodation will create an undue hardship for the foundation. Any employee, intern, or applicant who believes accommodation will be needed to perform an essential job function, to participate in the hiring process, or to access a benefit or privilege of employment may contact their manager or a director in *Talent and Human Resources* to request an accommodation. The foundation may request that the individual

authorize access to additional information to assess and act on the accommodation request and, following a collaborative dialogue, the foundation will provide the individual with a final written determination. The foundation will keep confidential all information obtained as part of the accommodation process, in accordance with federal, state, and local confidentiality requirements.

In addition, foundation guidelines provide working mothers the right to express breast milk in the workplace. For three years after the birth of a child, the foundation will provide reasonable break time each time a nursing employee or intern has the need to express milk. The foundation will also provide a private location that is shielded from view and intrusion in which nursing employees and interns may express breast milk, as well as a refrigerator in which to store breast milk. The mother's room dedicated for nursing mothers is on the Level A floor. Please contact *Talent and Human Resources* for the scheduling of this room. In the unlikely event that providing a lactation room is not possible due to unforeseen circumstances which impose an undue hardship on the foundation, the foundation will engage in a cooperative dialogue with the requesting employee(s) about possible alternatives.

Please also go to Fordify for more detailed information about how to make a reasonable accommodation request.

ANTIDISCRIMINATION AND HARASSMENT

The foundation is committed to providing a work environment where all persons can work together comfortably and productively, free from unlawful discrimination and harassment.

The foundation prohibits harassment—that is, conduct (including actions, words, jokes, or comments) that is unwelcome, uncomfortable to the recipient, or interferes with the recipient's ability to work—by trustees, employees, interns, applicants, consultants, vendors, grantees, or visitors against a trustee's, employee's, intern's, applicant's, consultant's, vendor's, grantee's, or visitor's race, color, national origin, ancestry, alienage, citizenship, religion, creed, gender (including pregnancy, childbirth, breastfeeding or related medical conditions), self-identified or perceived sex, gender identity or expression, the status of being transgender, sexual orientation, age, physical or mental disability, marital, familial, or partnership status, or to the extent required by law, conviction or arrest record, unemployment status, military or veteran status, genetic predisposition or carrier status, status as a victim of domestic violence, sex offense, or stalking, caregiver status, consumer credit history, or any other characteristic protected by law.

The foundation's expectations regarding appropriate workplace conduct are higher and broader than those imposed by the law, such that it is possible for conduct not to violate the letter of the law but to nonetheless violate this policy and subject an individual to disciplinary action.

The foundation recognizes that individuals come to the workplace from a wide variety of backgrounds and with a wide range of personal values and behavioral preferences. Therefore, the foundation has provided the following guidance regarding behavior that the foundation prohibits, regardless of an individual's level of seniority, length of employment at the foundation, or value in other respects to the foundation; regardless of whether the person engaging in the conduct intends any harm by this

behavior; and regardless of whether the behavior is or was considered acceptable in other workplaces, cultures, or settings in which the person engaging in the behavior has lived or worked.

The foundation prohibits the behaviors described below not only because these behaviors can subject individuals and the foundation to legal liability, but, more importantly, because these behaviors can have the effect of making it uncomfortable and difficult for colleagues to function effectively in the workplace. Accordingly, prohibited conduct includes a wide range of subtle or overt behaviors, including, but not limited to:

- Verbal harassment (epithets, derogatory statements, jokes, threats, slurs, whether spoken, in texts, emails or otherwise, that are sexually suggestive or demean an individual's race, gender, sexual orientation, religion, disability, age, national origin, or other personal characteristic protected by law);
- Physical harassment (unwelcome or inappropriate touching, patting, pinching, brushing against another's body, assault, physical threats or interference with one's work or movement);
- Visual harassment (leering, making a sexual gesture, texting, emailing, or otherwise displaying posters, cartoons, calendars, pictures, drawings, or other objects that are sexually suggestive or demean an individual's race, gender, sexual orientation, religion, disability, age, national origin, or other personal characteristic protected by law);
- Sexual innuendo and/or demands for sexual favors, unwelcome sexual statements or advances, or questions or conversations about sexual activities;
- Stereotyping by considering conduct or personality traits inappropriate because they do not conform to other people's ideas or perceptions about how one should look or act or by expecting an individual to act a certain way based on a personal characteristic protected by law; or
- Bullying (persistent behavior directed at another individual involving ridiculing or maligning that individual, name calling, abusive and offensive remarks, shouting or yelling, or attempts to humiliate that individual or sabotage that individual's work).

Harassment can occur regardless of whether the targeted individual accepts or rejects the advances or other offending behavior.

Conduct prohibited by this policy is unacceptable and forbidden in the workplace, whether it occurs on the foundation's premises or at any work-related setting outside the workplace, such as during business meetings, business-related social events, or business-related travel. In addition, employees are reminded of their obligations under other foundation policies that inform employees on their conduct, including, without limitation, the Technology Acceptable Use policy.

Any of the above behaviors includes those using electronic media, including but not limited to blogs, text messages, e-mails, social networking sites, message boards, and/or instant messaging, even if these occur away from the workplace premises, on personal devices or during non-work hours. Individuals should also be mindful of their conduct on social media sites and should not post anything about their co-workers or colleagues that may violate this policy, including sexist comments, discriminatory insults or comments, or obscenity.

Sexual Harassment constitutes unlawful discrimination under federal, state, and local laws. Sexual harassment is unwelcome conduct which is either of a sexual nature or is directed at an individual because of that individual's sex when: (i) submission to such conduct is either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even when the reporting individual is not the intended target of the sexual harassment.

Sexual harassment is a form of employee misconduct and employees who violate this policy, including supervisors and managers who are aware of sexual harassment but allow it to continue, are subject to discipline, including but not limited to warnings, reprimands, suspension, and/or termination.

Sex-based harassment – that is, harassment not involving sexual activity or language – may also constitute discrimination if it is directed at individuals because of their sex. For example, sex stereotyping occurs when someone denigrates another because the other person does not meet their perception of how individuals of a particular sex should act or look.

NON-RETALIATION

The foundation prohibits retaliation against any individual who reports discrimination or harassment on behalf of themselves or another person, opposes discrimination or harassment, participates in an investigation of such reports, testifies or assists in a proceeding involving discrimination, harassment, or retaliation, or seeks accommodations. Unlawful retaliation need not be job-related and can occur outside the workplace (e.g., threats of physical violence outside of work hours). Retaliation against an individual for reporting discrimination or harassment, for participating in an investigation of a claim of discrimination or harassment, or seeking accommodations is a serious violation of this policy and, like discrimination or harassment itself, may be subject to disciplinary action up to and including termination of employment.

COMPLAINT PROCEDURE

Reporting an Incident of Discrimination, Harassment, or Retaliation

The foundation strongly urges the reporting of all incidents of discrimination, harassment, or retaliation, as defined in this policy, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that is contrary to the foundation's policy or who have concerns about such matters may address these concerns directly with the individual who has engaged in the

conduct if they so choose, but they are not required to do so. Individuals may also raise their concerns with their immediate manager; the vice president, *Talent and Human Resources*; a director in *Talent and Human Resources*; or a vice president of the foundation. Individuals may submit their concerns in [writing](#), but are not required to do so. Individuals should not feel obligated to file their complaints with their immediate manager first before bringing the matter to the attention of one of the other foundation-designated representatives identified above.

IMPORTANT NOTE: Individuals who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An individual's failure to fulfill this obligation could affect their rights in pursuing legal action.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of discrimination or harassment. Therefore, while no fixed reporting period has been established, the foundation strongly urges the prompt reporting of complaints or concerns so that rapid, constructive action can be taken.

Supervisors and managers have an affirmative obligation to immediately report incidents of discrimination, harassment, or retaliation to the vice president, *Talent and Human Resources*, whether they learn of an incident directly from the individual who believes they have experienced such conduct or otherwise. Supervisors and managers are not authorized to conduct their own investigation but must follow the reporting requirements set forth herein.

Note that individuals may also report complaints of discrimination, harassment, or retaliation under the foundation's Whistleblower Policy, if they so choose. Complaints submitted under the Whistleblower Policy must be in writing; be submitted to the deputy general counsel, general counsel, or chair of the Audit Committee or submitted to EthicsPoint, the foundation's external hotline provider at 844-246-9964 or online at fordfoundation.ethicspoint.com; and follow the other requirements of that policy. Please see the Whistleblower Policy for more information.

THE INVESTIGATION

The foundation will promptly investigate any and all reports or complaints of discrimination, harassment, or other violations of this policy. The vice president, *Talent and Human Resources*, in consultation with the general counsel, will assign a primary investigator, who can be a director in *Talent and Human Resources*, a vice president, counsel (either in-house or external), or another internal or external investigator.

All complaints of discrimination, harassment, or other violations of this policy will be treated seriously and with discretion. The foundation will endeavor to maintain confidentiality throughout the investigatory process to the extent practical and appropriate under the circumstances. This means that to protect the integrity of the investigation and the confidentiality concerns of individuals who have filed complaints or raised concerns, witnesses, and those accused, the foundation requests that all associated with a complaint and investigation

not share information discussed. However, the foundation understands that there may be times when individuals who raise concerns or support the concerns of others seek to share information and the foundation respects the rights of those individuals to do so. In addition, there may be times when, in order to conduct a full and fair investigation, the foundation may need to disclose the identity of an individual raising a concern or a witness, or information that is provided by such person. In circumstances when an individual making a complaint or a witness has expressed a concern about not disclosing their identity, the foundation will respect that request to the extent possible. In the event that the foundation determines it is necessary to make such a disclosure, the foundation will communicate with the relevant individual before disclosing their identity. Examples of situations where disclosure may be necessary include where there is the possibility of harm to other individuals and where a full and fair investigation cannot be carried out without disclosure.

Although the specific investigative measures taken in any particular situation will depend on the nature of the complaint and the facts brought forward, the foundation's general protocol may include conducting interview meetings with the individuals who have raised an issue or complaint, the individuals who are accused of violating the foundation policy, and any individuals identified as witnesses to the conduct in question. Depending on the circumstances, the foundation may conduct additional interviews, review and preserve documents, request witness statements, or take other action.

When the investigation is complete, the investigator assigned by the foundation will discuss their findings with the vice president, *Talent and Human Resources*, and the general counsel, and may also discuss the findings with the relevant vice president, executive vice president, or president. After receiving recommendations and guidance, the vice president, *Talent and Human Resources*, and general counsel will determine whether the foundation's policy has been violated and if so, what form of corrective action is most appropriate.

The foundation will inform an individual who has filed a complaint of its determination as to whether the foundation's policy was violated. However, the foundation will not disclose the nature of any disciplinary action that may have been taken because discipline is a confidential matter between the foundation and the individual subject to the corrective action. Discipline can take many forms, and individuals who raise concerns should not assume that disciplinary measures have not been implemented simply because the foundation does not publicize the disciplinary measure.

RESPONSIVE ACTION

Conduct constituting a violation of this policy will be dealt with appropriately. Responsive action may include, for example: training, referral to counseling, and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination as the foundation believes appropriate under the circumstances.

EMPLOYEE'S RESPONSIBILITIES

All employees are responsible for possessing an in-depth knowledge of this policy and must comply fully with both the letter and spirit of this policy.

All employees are responsible for helping to ensure that all discrimination and harassment is prevented. Any employee who believes that they have witnessed discrimination or harassment or is being discriminated against or harassed should immediately notify one or more of the following people: their manager; the vice president, *Talent and Human Resources*; a director in *Talent and Human Resources*; a vice president of the foundation; or an individual whom the foundation has designated to receive complaints and investigate where warranted.

Additionally, supervisors and managers are expected to apply their knowledge of this policy on an active and continuous basis, and they will be held accountable for their conduct in this regard. This means that if a manager is aware of, or has concerns about, any behavior that could be considered a violation of this policy, it is their obligation to report it pursuant to the reporting procedures described above. Failure to fulfill any of these responsibilities will not be tolerated. Supervisors and managers who engage in discrimination, harassment, or retaliation; fail to report such conduct; or allow it to continue, will be subject to disciplinary action, up to and including termination.

Individuals who have questions or concerns about this policy should speak with the *Talent and Human Resources* director (New York and International).

Finally, this policy should not and may not be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions in order to avoid allegations of discrimination or harassment. The law and the policies of the foundation prohibit disparate treatment on the basis of sex or any other protected characteristic with regard to terms, conditions, privileges, and perquisites of employment. The prohibitions against discrimination, harassment, and retaliation are intended to complement and further this policy, not to form the basis of an exception to it.

LIABILITY FOR PROHIBITED HARASSMENT

Discrimination, harassment and retaliation are not only prohibited by the foundation, but are also prohibited by state, federal, and, where applicable, local law. Any employee who has engaged in sexual or other prohibited discrimination, harassment, or any other conduct that has violated this policy, or who has otherwise contributed to the creation or continuation of a hostile work environment—including any manager who knew about the discrimination, harassment, or conduct and took no action to stop it—may, in addition to any disciplinary action taken by the foundation, be held personally liable for monetary damages if a civil action is filed against him or her. The foundation will not defend or pay damages assessed personally against an employee for engaging in any behavior that violates this policy.

The following is information about federal, state, and local governmental entities where individuals may file complaints.

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. The EEOC telephone number is 1-800-669-4000 (TTY: 1-800-669-6820), its website is at www.eeoc.gov, and email at info@eeoc.gov. Following receipt of an EEOC determination, an individual generally has 90 days to file a claim in federal court.

The Human Rights Law (HRL) (N.Y. Executive Law, art. 15, § 290 et seq.), applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court. Complaints with DHR may be filed any time within one year of the harassment or in state court under the HRL, within three years of the alleged sexual harassment.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. Its telephone numbers include (718) 741-8400 and (888) 392-3644 for information about filing a complaint, and its website is www.dhr.ny.gov.

If sexual harassment is found to have occurred after a hearing or trial, relief varies but may include requiring an employer to take action to stop the harassment, or paying of monetary damages, attorney's fees, and civil fines.

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. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights or other local authorities. The NYC Commission on Human Rights is located at 40 Rector Street, 10th Floor, New York, New York, its telephone number is (212) 306-7450, and its website is www.nyc.gov/html/cchr/html/home/home.shtml.

