

RESPECT IN THE WORKPLACE

Effective Date: April 2021

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 individuals who work at or with the foundation about what may constitute 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 individuals 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.

This policy applies to the foundation's employees, as well as any applicants, interns, trustees, and persons providing services pursuant to a contract, including but not limited to independent contractors, consultants, and vendors (referred to throughout this policy as "covered individuals").

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the foundation to ensure equal employment opportunity for all qualified covered individuals 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, sexual and reproductive health decisions, age, physical or mental disability, marital, familial, or partnership status, conviction or arrest record, unemployment status, military or veteran status, uniformed service, 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 or other work arrangement at the foundation including recruitment, advertisements for employment, hiring, training, promotion, transfer, performance evaluation, compensation, benefits, and termination.

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.

In keeping with this commitment, harassment and inappropriate conduct of any form is prohibited. Harassment is conduct (including actions, words, jokes, or comments) that is unwelcome, uncomfortable to the recipient, or interferes with the recipient's ability to work because of a covered individual'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, sexual and reproductive health decisions, age, physical or mental disability, marital, familial, or partnership status, conviction or arrest record, unemployment status, military or veteran status, uniformed service, 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. Harassment by (or directed at) covered individuals, grantees, and visitors is prohibited.

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, video conferencing 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 or work arrangement; (ii) submission to or rejection of such conduct by an individual is used as a basis for employment or work decisions affecting such individual; or (iii) such conduct has the purpose or effect of interfering with an individual's work performance, subjecting the individual to inferior terms, conditions, or privileges of employment, 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 prohibited by both applicable law and foundation policy. Sexual harassment is a form of misconduct and covered individuals 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. Sexual harassment by (or directed at) covered individuals, grantees, and visitors is prohibited.

While sexual harassment encompasses a wide range of subtle and not so subtle conduct, some examples of specifically prohibited conduct include, but are not limited to:

- A supervisor promising, directly or indirectly, an employee a benefit or reward if the employee complies with a sexually oriented request;
- A supervisor threatening, directly or indirectly, to retaliate against an employee if the employee refuses to comply with a sexually oriented request;
- Denying, directly or indirectly, an employee an employment-related opportunity if the employee refuses to comply with a sexually oriented request;
- Engaging in sexually suggestive physical contact, touching another employee in a way that is unwelcome or engaging in sexual advances (e.g., patting, pinching, brushing up against another's body);
- Leering, making a sexual gesture, or displaying, storing, or transmitting obscene, pornographic, sexually oriented or sexually subjective objects, pictures, cartoons, posters, or materials, whether or not using company equipment or facilities;
- Indecent exposure;

- Making sexual or romantic advances toward an employee and persisting despite the employee's rejection of the advances or making an unwanted sexual proposition or request for sexual favor;
- Graphic, verbal commentary about an individual's body or body parts;
- Commentary about an individual's sexual prowess or sexual deficiencies;
- Suggestive or persistent comments of a sexual nature;
- Unwelcome, obscene or derogatory sexual jokes, teasing, kidding or comments – whether in person or by e-mail messages, voicemail messages, text messages, posting to social media sites, etc.; or
- Any similar behavior which is unwelcome or offensive.

Sexual harassment may involve individuals of the same or different gender and is prohibited regardless of the gender or gender identity of the targeted individual and regardless of whether the targeted individual accepts or rejects the advances or other offensive behavior. Sexual harassment can be physical and/or psychological in nature. Covered individuals, grantees, and visitors are prohibited from harassing covered individuals, grantees, and visitors, whether or not the incidents of harassment occur on company premises and whether or not the incidents occur during working hours.

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 makes a good faith complaint of discrimination or harassment on behalf of themselves or another person under this policy or applicable law, opposes discrimination or harassment, participates in an investigation of such reports, testifies or assists in a proceeding involving discrimination, harassment, or retaliation, encourages another to report harassment or discrimination, or seeks accommodations. 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 unlawful and a serious violation of this policy and, like discrimination or harassment itself, may subject the offender to disciplinary action up to and including termination of employment. Acts of retaliation must be reported pursuant to the complaint procedure below.

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, *People and Culture*; a director in *People and Culture*; 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, *People and Culture*, whether they learn of an incident directly from the individual who believes they have experienced such conduct or are otherwise aware of conduct that could be considered a violation of this policy. 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, chief audit executive, 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. Each person making a complaint, the individual(s) who is the subject of the complaint, and all knowledgeable employees have an obligation to cooperate fully with the investigation. The vice president, *People and Culture*, in consultation with the general counsel, will assign a primary investigator, who can be a director in *People and Culture*, a vice president, counsel (either in-house or external), or another internal or external investigator.

All complaints of discrimination, harassment, retaliation, 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. 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. 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. Individuals with concerns about confidentiality are encouraged to raise these concerns with the investigator.

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.

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.

RESPONSIBILITIES OF COVERED INDIVIDUALS

All covered individuals 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 covered individuals are responsible for helping to ensure that all discrimination and harassment is prevented. Any covered individual 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, *People and Culture*; the global director *People and Culture*; 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 *People and Culture* global director.

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. In the event a civil lawsuit is filed against a covered individual, the foundation will not defend or pay damages assessed personally against a covered individual 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 employee 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 New York 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 and other types of harassment, and protects employees, paid or unpaid interns, contractors, subcontractors, vendors, consultants, or other persons providing services pursuant to a contract in the workplace or their 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 discrimination (three years for sexual harassment claims, beginning August 12, 2020). If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged harassment or discrimination. An individual may not file with the DHR if they have already filed an HRL complaint in state court.

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, interns, independent contractors, and freelancers 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 22 Reade Street, New York, New York, its telephone number is (212) 306-7450, and its website is www.nyc.gov/html/cchr/html/home/home.shtml.

REASONABLE ACCOMMODATIONS

It is also the foundation's policy to make reasonable accommodations for qualified covered individuals who have a disability or religion-based need; who need an accommodation due to pregnancy, childbirth, breastfeeding, or a related health condition; or who have been subject to domestic violence, a sex offense, or stalking and have made those needs known to the foundation, provided the accommodation does not impose an undue hardship on the foundation, and to the extent required by law.

In such cases, the foundation will engage in an interactive process and cooperative dialogue with anyone requesting accommodation to determine if a reasonable accommodation can be provided. Any covered individual who believes an 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 the senior manager, global benefits (or alternatively a director in *People and Culture*) to request an accommodation.

The cooperative dialogue may take place in person, by telephone or by electronic means, typically between the senior manager, global benefits, and the covered individual, though the foundation may need to communicate with other staff members as appropriate (e.g., IT personnel when the accommodation impacts technology needs). As part of the cooperative dialogue, the foundation will communicate openly and in good faith with the covered individual expeditiously in order to determine whether and how the foundation may be able to provide a reasonable accommodation. The foundation is not required to provide the specific accommodation sought by a covered individual, and to the extent necessary and appropriate based on the request, the foundation will explore alternative accommodations. As part of the cooperative dialogue, the foundation reserves the right to request additional information, including but not limited to medical information, and/or to confer with the covered individual's physician, as applicable and to the extent permitted under the law.

At the conclusion of the cooperative dialogue, the foundation will provide written notice to the covered individual expeditiously identifying the accommodation options discussed and stating which accommodations were granted and/or denied. The writing will also identify whether any

accommodations are being provided on a preliminary or trial basis and, if applicable, set forth a time frame for revisiting the covered individual's accommodation needs. If the covered individual determines that a granted accommodation is not meeting the individual's needs, either because needs have changed or because the accommodation was not as effective as the covered individual or the foundation may have expected, the covered individual may contact the senior manager, global benefits and administration, or a director in *People and Culture* to explore other alternatives. The foundation will keep strictly confidential all information obtained as part of the accommodation process, to be shared only with other staff members necessary to the process, in accordance with federal, state, and local confidentiality requirements, and to the fullest extent possible.

Nursing Parents Accommodation

In accordance with federal, state, and local law, covered individuals who are nursing shall be permitted reasonable paid breaks, or may use paid meal time, if applicable, during the work day, to express breast milk. Covered individuals have a right to request a lactation room. The foundation will provide a private location that is shielded from view and intrusion in which nursing covered individuals may express breast milk.

The Parents' Suite is for nursing parents and is located on Level A. Covered individuals should contact *People and Culture* for the use of this room or other accommodations. *People and Culture* will respond as soon as possible, but in all events within 5 business days.

The Parents' Suite features a shared area with a refrigerator, microwave, sink, counter top with drying racks and cabinets with supplies. This suite is open and accessible all throughout the day. Inside the suite are 2 private, lockable rooms; Parent's Room A (ADA accessible) and Parent's Room B. Parents' Suite users can reserve the rooms through Robin. New Parents' Suite users will receive a brief "orientation" as well as a personal bin to store personal supplies. Due to Covid-19 concerns, covered individuals who are nursing must provide their own breast pump.

A designated area inside the refrigerator will be reserved for the specific storage of breast milk. Any breast milk stored in the refrigerator must be labeled with the name of the covered individual. Any nonconforming products stored in the refrigerator may be disposed. Covered individuals storing milk or any other products in the refrigerator assume all responsibility for the safety of the milk or any other products and the risk of harm for any reason, including improper storage or refrigeration and tampering. However, anyone found to have tampered with expressed breast milk or other products stored in the refrigerator will be subject to discipline, including but not limited to separation from employment.

In the event that the Parents' Suite is not available, the Wellness Room can serve as a backup location. The Wellness Room is adjacent to the Parents' Suite, and includes a chair, ottoman, and restroom. In the unlikely event that the Parents' Suite or Wellness Room is not available due to unforeseen circumstances which impose an undue hardship on the foundation, the foundation will engage in a cooperative dialogue with the requesting individual(s) about possible alternatives.

The foundation will not discriminate in any way against a covered individual who chooses to express breast milk in the workplace.

Employees and interns may go to Fordify for more detailed information about how to make a reasonable accommodation request.

Reproductive Health Decision-Making

In accordance with applicable state and local law, the foundation will not discriminate or retaliate against an employee because of, or on the basis of, the employee's or the employee's dependent's reproductive health decision-making. For the purpose of this policy, "reproductive health decision-making" includes, but is not limited to, the decision to use or access a particular drug, device, or medical service.

New York Labor Law 203-E prohibits employers from requiring any employee to sign a waiver or other document which purports to deny the employee the right to make their own reproductive health care decisions. NY Labor Law 203-E further prohibits any employer from accessing an employee's personal information regarding the employee's or the employee's dependent's reproductive health decision-making. In accordance with this law, the foundation will only access such information with the employee's prior informed, affirmative, written consent.

An employee who believes that an employer has violated the provisions of New York Labor Law 203-E may bring a civil action in court and may be eligible for damages such as back pay, benefits, attorneys' fees and costs, injunctive relief, reinstatement, and/or liquidated damages. The foundation will not retaliate against an employee who (1) makes or threatens to make a complaint, either internally, to a co-worker, or to a public body, about a violation of rights under New York Labor Law 203-E; (2) institutes a legal proceeding related to that law; or (3) provides information to, or testifies before, any public body conducting a hearing, investigation, or inquiry into a purported violation of that law. An employer found to have retaliated against an employee for any of the above reasons will be subject to civil penalties.