



EQUAL EMPLOYMENT, ANTI-HARASSMENT & NO RETALIATION POLICY, REPORTING & COMPLAINT PROCEDURE

The Heising-Simons Foundation has a commitment to approaching work in ways that are consistent with its values. This means the Foundation acts honestly and with integrity, in accordance with applicable laws and with the highest ethical standards. In terms of employment, this means the Foundation is an equal opportunity (EEO) employer committed to providing a work environment that is based on professionalism and respect, and is free from unlawful discrimination, harassment, and retaliation. This policy explains some of the legal elements of creating such a workspace, and it applies to all of our employees and partners, including our grantees, vendors, and contractors. It also explains how to report a claim, and the procedure the Foundation will follow to investigate complaints. If you have any questions about the policies and processes outlined below, please do not hesitate to contact the General Counsel or Human Resources Director.

POLICY

Equal Employment/Anti-Discrimination

The Foundation's policies and practices reinforce our commitment as an EEO employer. This means the Foundation does not recruit, hire, assign, train, promote, compensate, provide benefits, discipline, or discharge (or any other term and condition of employment) based on actual or perceived race, color, religion (including religious dress and grooming practices), creed, sex/gender (including pregnancy, child birth, breast feeding and/or related medical conditions), sex stereotype, marital status/registered domestic partner status, age, national origin, ancestry, physical or mental disability, medical condition (as defined by California law), military or veteran status, sexual orientation, gender identity/gender expression/transgender (including whether or not you are transitioning or have transitioned), genetic information/characteristics, taking or requesting statutorily protected leave, domestic violence victim status, political affiliation, or any other category or basis protected by applicable state, federal or local law. The Foundation also does not unlawfully discriminate based on perceptions that a person is associated with someone else who is in any of the protected categories.

Anti-Harassment (including sexual harassment)

The Foundation expects its employees and partners to show respect for each other and those with whom they work. Professional conduct furthers the Foundation's mission and promotes productivity and collaboration. Accordingly, this policy forbids any unwelcome conduct that is based on an individual's actual or perceived race, color, religion (including religious dress and grooming practices), creed, sex/gender (including pregnancy, child birth, breast feeding and/or related medical

conditions), sex stereotype, marital status/registered domestic partner status, age, national origin, ancestry, physical or mental disability, medical condition (as defined by California law), military or veteran status, sexual orientation, gender identity/gender expression/transgender (including whether or not you are transitioning or have transitioned) genetic information/characteristics, taking or requesting statutorily protected leave, domestic violence victim status, political affiliation, or any other category protected by applicable state, federal or local law. The Foundation also prohibits unlawful harassment based on perceptions that a person is associated with someone else who is in any of the protected categories.

Definitions of Harassment and Sexual Harassment

Harassment as used in this policy refers to behavior that is personally offensive, intimidating, or hostile, or interferes with work performance, regardless of whether it rises to the level of violating the law. In other words, this policy is stricter than the law, in that this policy defines prohibited harassment more broadly than does the law.

Unlawful harassment includes all kinds of unwelcome visual, physical, or verbal conduct based on any of the protected categories when:

- Your submission to the conduct is explicitly or implicitly made a term or condition of your employment;
- Your submission to the conduct or your rejection of it is used as the basis of making employment decisions about you; or
- The conduct has the purpose or effect of unreasonably interfering with your work performance or creates an intimidating, hostile, or offensive working environment.

Harassment can occur in one-on-one interactions or in group settings and can involve a co-worker or manager, or can involve partners such as a grantee, vendor, or contractor.

Sexual Harassment is a specific type of unlawful harassment and is unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct based on sex or of a sexual nature (but it does not have to be motivated by sexual desire). It is a form of sex/gender discrimination and includes sexual harassment, gender-based harassment (including gender identity and gender expression) and harassment based on pregnancy, childbirth, breast feeding and related medical conditions. Many kinds of offensive behaviors may be considered sexual harassment, including harassment of a person who is the same sex as the harasser. Importantly, the person offended by the unwelcome conduct does not have to be the target of the conduct; unwelcome conduct can offend others too.

Below are more specific examples of prohibited conduct, whether based on sexual harassment or any other protected category. These examples are not meant to be a complete list of objectionable behavior:

- Visual conduct such as leering, making racial or sexual gestures, displaying offensive or sexually suggestive objects or pictures, cartoons, or posters;
- Verbal conduct such as making or using derogatory comments, epithets, slurs, jokes, or comments based on someone’s protected characteristic, sexual advances or propositions, mocking an employee’s religion or religious garb, sexually explicit jokes, or comments about a person’s body or dress;
- Physical conduct such as unwanted touching, impeding, or blocking movement, or assault;
- Use of the Foundation’s property (including but not limited to computers) for the purpose of accessing, viewing, displaying, discussing, or disseminating material that is sexual in nature; or
- Undermining another person’s work performance by deliberately and repeatedly withholding information or otherwise sabotaging their work based upon a protected characteristic or category.

Abusive conduct

This anti-harassment policy also prohibits abusive conduct (bullying). Abusive conduct is conduct of an employee in the workplace—often repeated, over time, and with malice¹—that a reasonable person would find hostile, offensive, and unrelated to an employer’s legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person’s work performance.

Retaliation

The Foundation prohibits any intimidation, harassment, discharge, threat, discrimination, or retaliation against someone, in any manner, for reporting in good faith what he or she perceives to be wrongdoing, violation of law or policy, or other unethical or illegal conduct, or for filing, testifying, assisting, or participating in an investigation or proceeding regarding alleged unlawful discrimination or harassment. This includes acting with the intent or effect of adversely affecting the terms or conditions of that person’s employment or partnership with the Foundation, loss of job, punitive work assignments, or impact on wage or salary. If you think you are being retaliated against, please report it immediately. The Foundation is committed to promptly investigating and taking any necessary

¹ By “malice” we mean, without limitation, the intention to hurt, intimidate, offend, degrade, or humiliate a particular person or group of people.

corrective measures if the allegations of retaliation are substantiated, up to and including termination.

Protection from retaliation is not intended to prohibit supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance, conduct, or attitude issues. It also does not extend to complainants who knowingly made a false or misleading report of a suspected violation or who knowingly provide false or misleading information in an investigation.

REPORTING AND COMPLAINT PROCEDURE

Reporting Discrimination and Harassment

This policy is intended to encourage and enable you to raise serious concerns internally so that the Foundation can address and correct inappropriate conduct and action. If you experience inappropriate behavior at work, suspect it, or hear about it from others, it is your responsibility to report what you believe in good faith is a violation of law or policy. Setting forth the procedures below is intended to provide clarity and transparency about how complaints will be addressed by the Foundation.

Making a complaint

If you think you are being discriminated against or harassed, or if you are aware of any conduct you think may violate these policies, or suspect it may be happening to someone else, you should report it immediately. Your notification of any concerns is essential to us. We cannot help to resolve a problem unless we know about it. Therefore, please bring any concerns to our attention as soon as possible so that we can take whatever steps are necessary to address the situation. Complaints may be submitted directly or anonymously. You may share a complaint with:

- Any manager or supervisor with whom you feel comfortable talking
- General Counsel
- Human Resources Director
- Any member of the Board of Directors

If you are a supervisor or manager and someone comes to you with a complaint or report, if you suspect the behavior, or if you hear about a concern from someone else, you must report it immediately to the Foundation's General Counsel, Human Resources Director, or Chief Operating Officer. You also need to report any possible retaliation (see Retaliation section below). If someone says or suggests that you personally engaged in inappropriate conduct, you must report that as well, and

suggest that the employee report their concerns. This is the best way for the Foundation to address conduct and try to resolve the issues quickly and internally.

While it is preferable to receive complaints or concerns in writing, it is not required. All reports, regardless of whether written or not, should contain as much specific information as possible to allow proper review and assessment of the nature of the report, to understand the extent and urgency of the allegations, and to conduct a thorough investigation. For all complaints, but for anonymous complaints in particular, it is important to be factual rather than speculative or conclusory, and as specific as possible about certain things, such as: the date(s) of the incident(s), the details about what happened, the names of anyone you think may be involved, and the names of any others you think may be witnesses or have relevant information. The Foundation needs all the information an employee has to assess a complaint properly and fully. If an anonymous complaint cannot be properly investigated because insufficient information has been provided, the Foundation will have no option but to close the matter.

Investigation Process

The Foundation takes all complaints and reports seriously and will assign a qualified internal representative or outside investigation consultant (as appropriate to the circumstances) to conduct a timely and thorough investigation that provides appropriate opportunities for all parties to be heard. In all cases, the reporting employee (if his/her identity is known) will be informed that the report has been received and, to the extent appropriate, provide him/her with the name of, and contact information for, the external investigator assigned to the report.

The Foundation will draw reasonable conclusions based on the information obtained through the investigation and will take appropriate responsive action, if warranted. The General Counsel will coordinate all investigations with the Chief Operating Officer and Human Resources Director (the “Committee”) or turn over the investigation to an outside investigation consultant (if appropriate). Any investigative activity will be conducted without regard to the any employee’s length of service, position/title, or relationship with the Foundation. If any member of the Committee is the subject of the reported concern, that member of the Committee will be excused from participating in the review or investigation of the complaint. The report should be made to any other member of the Committee, and another person will be designated to serve with respect to that report.

Confidentiality

It is important for you to understand that the Foundation will handle suspected violations with sensitivity and discretion and will keep the complaint/investigation confidential to the extent possible. That means you should be aware that beyond the internal group identified above, information sometimes may be disclosed on a need-

to-know basis. For example, certain information may be shared with the accused person or with other witnesses in order to conduct a complete investigation and/or to respond to the investigation and/or findings.

Recommendation and Conclusion

Following an investigation, the Committee will make a recommendation to the Chief Executive Officer for review and approval. All investigations will be documented and tracked for reasonable progress. They will also be concluded in a timely manner and the Foundation will report back to you, as necessary.

If the Foundation finds that unlawful discrimination or harassment has taken place, or if there has been other inappropriate conduct in violation these policies, the Foundation will take prompt and effective remedial action it considers appropriate to the circumstances, including mandated coaching or training, instituting a performance improvement plan, or disciplinary action, up to the possibility of immediate termination of employment, grant award, or contract services. The Foundation may also take other actions to prevent or deter similar conduct in the future.

Please keep in mind the Foundation has the right to, and may, take action under these policies to respond to what it considers unacceptable or inappropriate conduct, even if it is not illegal conduct. You should also be aware that under some laws, like California's, any person who engages in unlawful workplace harassment may be held personally liable.

External Agencies

In addition to the Foundation's internal complaint procedure, employees should also be aware that the federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) investigate and, in appropriate cases, prosecute complaints of harassment, discrimination, and retaliation in employment. The EEOC and DFEH may, after a hearing, award damages to individuals actually injured as a result of such conduct, as well as other remedies. Information about the EEOC complaint procedure can be found on their website (www.eeoc.gov), or by calling 1-800-669-4000 (English), or 1-800-669-6820 (TTY). Information about the DFEH can be found on their website (www.dfeh.ca.gov), or by calling 1-800-884-1684 (English), or 1-800-700-2320 (TTY).