

# **Equal Opportunity Policy & Policy Against Discrimination and Discriminatory Harassment**

(“EEO Policy”)

The Foundation is an Equal Opportunity Employer and is committed to complying with all federal, state and local equal employment opportunity (“EEO”) laws. The Foundation prohibits discrimination against employees and applicants for employment because of the individual’s race or color, religion or creed, alienage or citizenship status, sex (including pregnancy), national origin, age, sexual orientation, gender identity or expression, disability, marital status, familial status, domestic partnership status, genetic information or predisposing genetic characteristics, military status, domestic violence victim status, criminal history, or any other characteristic protected by law. The Foundation also considers for employment qualified applicants with criminal histories consistent with federal, state, and local law. This EEO Policy applies to all Foundation activities, including, but not limited to, recruitment, hiring, compensation, assignment, training, promotion, performance evaluation, discipline and discharge. As detailed below, this EEO Policy also bans discriminatory harassment.

The Foundation allows all individuals to use the single-sex bathroom facilities consistent with their gender identity or expression.

## **Discriminatory Harassment**

### **IN GENERAL**

As part of this EEO Policy, the Foundation prohibits conduct that constitutes or could lead or contribute to harassment because of an individual’s race or color, religion or creed, alienage or citizenship status, sex (including pregnancy), national origin, age, sexual orientation, gender identity or expression, disability, marital status, familial status, domestic partnership status, genetic information or predisposing genetic characteristics, military status, domestic violence victim status, criminal history, or any other characteristic protected by law. Examples of such conduct include, but are not limited to:

- ethnic slurs;

- use of Foundation computers (including via the Internet) or the Foundation’s e-mail system to view or distribute racially offensive communications; and/or
- threatening, intimidating, or hostile acts directed at a particular sex or religious group or directed at an individual because of his or her sexual orientation, color or ethnicity.

Harassment does not require intent to offend. Thus, inappropriate conduct or language meant as a joke, a prank, or even a compliment can lead or contribute to harassment.

## **SEXUAL HARASSMENT**

Sexual harassment is a specific type of discriminatory harassment and is unlawful under federal, state, and where applicable, local law. Sexual harassment is also employee misconduct and will not be tolerated. Employees are urged to report sexual harassment using the Complaint Procedure provided below.

All of the Foundation’s policies concerning sexual harassment apply to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with the Foundation regardless of immigration status (“covered individuals”). All references to “employees” in the sections of this EEO Policy concerning sexual harassment (and in the Complaint Procedure and No Retaliation policies below, insofar as they relate to sexual harassment), include all covered individuals. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor. Any employee or covered individual who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination. Any manager or supervisor who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action or who knowingly allows sexual harassment or retaliatory conduct to continue will also be subject to remedial and/or disciplinary action, up to and including termination.

Sexual harassment can occur between any individual, regardless of sex or gender. 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. Any harassing conduct, even a single incident, can be addressed under this EEO Policy.

The Foundation prohibits all conduct that constitutes or could lead or contribute to sexual harassment or to a sexually harassing hostile work environment. Examples of such conduct include, but are not limited to:

- Threatening to take or taking employment actions, such as discharge, demotion or reassignment if sexual favors are not granted
- Demands for sexual favors in exchange for job benefits or favorable or preferential treatment, whether with respect to hiring, promotion, continued employment, or any other terms, conditions or privileges of employment
- Unwelcome and repeated flirtations, propositions or advances; repeated requests for a date

- Unwelcome physical contact, such as touching, pinching, patting, or grabbing
- Whistling; leering
- Improper gestures; tricks; horseplay
- Use of stereotypes
- Offensive, insulting, derogatory, lewd, or degrading remarks
- Unwelcome comments about appearance
- Sexual jokes or use of sexually explicit or offensive language
- Gender or sex-based pranks or practical jokes
- Inappropriate personal questions
- Offensive use of the internet, email, voice mail, and other communication systems
- Display in the workplace of sexually suggestive objects, cartoons, or pictures. This includes displaying such materials on workplace computers or cell phones.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or transgender status, such as interfering with or destroying that person's work space, sabotaging that person's work, bullying, yelling, or name calling.
- Any other words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex.
- Any other unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

The list above is not intended to be all inclusive. Employees should also keep in mind that sexual harassment can occur at work-related events outside the workplace. Care should be taken in informal business situations, including Foundation parties, functions, and business trips to ensure that this EEO Policy is strictly followed. Calls, text messages, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or outside of normal business hours.

Preventing sexual harassment is everyone's responsibility. The Foundation cannot prevent or remedy sexual harassment unless it knows about it. Any employee or other covered individual who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to the Director, Human Resources and Administration. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior using the Complaint Procedures below. **All** complaints or information about sexual harassment will be investigated, whether that information is

reported orally or in writing. Investigations will be conducted in a timely, fair and impartial manner, and will be confidential to the extent possible, using the Complaint Procedures below.

## **SUPERVISORS**

Additional rules apply to individuals with supervisory authority at the Foundation. No one with a supervisory role may at any time: (1) threaten or imply that an individual's submission to or rejection of a sexual advance, or harassment or discrimination based on any other protected category, will in any way influence any decision regarding that individual's employment, performance evaluation, advancement, compensation, assignments, discipline, discharge, or any other term or condition of employment; or (2) make any employment decision concerning an individual on any discriminatory basis. All managers and supervisors who receive a complaint or information about suspected sexual harassment or any other violation of this EEO Policy, observe what may be sexually harassing or other discriminatory harassing behavior or for any reasons suspect that sexual harassment or any other discriminatory harassment is occurring, are **required** to report any complaint that they receive, or any harassment or other violation of this EEO Policy that they observe to the Director, Human Resources and Administration or the Senior Vice President, Finance and Operations.

In addition to being subject to discipline for engaging in sexually harassing or other discriminatory harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report sexual harassment or other discriminatory harassment, or otherwise knowingly allowing sexual harassment or other discriminatory harassment, to continue. Supervisors and managers will also be subject to discipline for engaging in any retaliation.

## **Complaint Procedures**

If you believe that you or another individual has been subjected to any conduct of the type prohibited by this EEO Policy, you are urged and expected to report the relevant facts promptly.

Employees should ordinarily direct such reports to the Director, Human Resources and Administration or, alternatively, employees may direct reports to the Senior Vice President, Finance and Operations. Employees should choose whichever individual they feel more comfortable contacting under the circumstances. Employees may choose to report orally or in writing. A form for submitting a written complaint is available on the intranet and can be obtained from the Human Resources Department, and you are encouraged, but not required, to use this complaint form. If you are reporting sexual harassment on behalf of another covered individual, you may use the complaint form and note that it is on another individual's behalf.

Employees should report the conduct regardless of the offender's position at the Foundation and should also report the conduct even if the offender is not employed at the Foundation (for example, a vendor or consultant). Prompt reporting is very important so that the Foundation can take action to stop the conduct before it is repeated. All reports will be followed up promptly, with further investigation

conducted where needed to confirm facts or resolve disputed facts. In conducting its investigations, the Foundation will strive to keep the identity of individuals making reports as confidential as possible.

While the investigation process may vary from case to case, investigations will typically include the following steps: After receiving a complaint, the Director, Human Resources and Administration (or her designee) will conduct an immediate review of the allegations and may take interim actions as appropriate (e.g., instructing the individual(s) alleged to have violated this EEO Policy to refrain from communicating with the individual(s) alleged to have been subjected to conduct in violation of the policy). The investigator will typically proceed by interviewing the individual(s) who submitted the complaint, the individual(s) alleged to have been subjected to conduct in violation of the policy, the individual(s) alleged to have violated this EEO Policy, and others identified by those individuals as witnesses or people with knowledge of the conduct at issue. The investigator may also obtain, review and preserve documents, emails or phone records relating to the allegations. Any employee may be required to cooperate as needed in an investigation of any violation of this EEO Policy.

As appropriate, the individual(s) who submitted the complaint, the individual(s) alleged to have been subjected to conduct in violation of the policy, and the individual(s) alleged to have violated this EEO Policy will be notified of the outcome of the investigation.

If you believe that anonymity is essential in making a report under this policy – recognizing that doing so may make your complaint more difficult to investigate – you may do so using the Foundation’s Ethics Hotline. An anonymous complaint under this EEO Policy can be reported by any of the following means:

- Telephone: (800) 401-8004
- Website: [www.lighthouse-services.com/sloanfoundation](http://www.lighthouse-services.com/sloanfoundation)
- Email: [reports@lighthouse-services.com](mailto:reports@lighthouse-services.com) (include “Sloan Foundation” in report)

Individuals who violate this EEO Policy will be subject to discipline and may also be subject to personal legal and financial liability under applicable law. Appropriate disciplinary action will also be taken against any employee who knowingly and willfully makes a false allegation concerning an alleged violation of this EEO Policy.

## **No Retaliation**

Threats or acts of retaliation against individuals who report inappropriate conduct pursuant to this EEO Policy or provide information in connection with a report by another individual will not be tolerated. In the event you believe that you have been retaliated against for such action, you should use the above procedures to report the pertinent facts promptly. The Foundation will investigate and take appropriate action in the manner described above.

In accordance with the requirements of New York law, this EEO Policy against retaliation includes a prohibition on retaliating against anyone who, in good faith complains or provides information about suspected sexual harassment. No person covered by this EEO Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint (or testifies in or assists in any proceeding concerning sexual harassment). Any employee who retaliates against anyone involved in a sexual harassment investigation or proceeding will be subjected to disciplinary action, up to and including termination. All employees or other covered individuals who believe they have been subject to retaliation in violation of this EEO Policy should report their concern using the Complaint Procedures described above.

## Questions

Any questions regarding the interpretation of this EEO Policy, or clarification of your rights, should be directed to the Director, Human Resources and Administration.

## Legal Protections & External Remedies Concerning Sexual Harassment

In accordance with the requirements of New York state law, the Foundation is providing the additional information below regarding laws and legal remedies relating to sexual harassment:

Sexual harassment is not only prohibited by the Foundation but is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process at the Foundation, employees may also choose to pursue legal remedies with the following governmental entities at any time.

### STATE HUMAN RIGHTS LAW (HRL)

The Human Rights Law (HRL), codified as 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. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Foundation does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

### **CIVIL RIGHTS ACT OF 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### **LOCAL PROTECTIONS**

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. Contact their main office at Law Enforcement Bureau of the

NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

### **CONTACT THE LOCAL POLICE DEPARTMENT**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime, and you should consider whether you wish to contact the local police department.

## **Reasonable Accommodation**

The Foundation will provide reasonable accommodation consistent with the law to otherwise qualified employees and applicants with a disability and to employees and applicants with needs related to their religious observance or practices, pregnancy, childbirth, or related conditions, or status as a victim of domestic violence, sex offenses, or stalking. What constitutes a reasonable accommodation depends on the circumstances and thus will be addressed by the Foundation on a case-by-case basis.

You should notify the Director, Human Resources and Administration if you require an accommodation for one of the reasons described above. When making your request for an accommodation, you should include relevant information, including without limitation a description of the proposed accommodation, the reason you need it along with any supporting documentation, and how the accommodation will allow you to perform your essential job functions.

After receiving an accommodation request, the Foundation will engage in a cooperative dialogue, either in writing or orally, with you within a reasonable timeframe to determine your precise limitations and explore potential reasonable accommodations that could overcome those limitations. The Foundation encourages you to suggest specific accommodations that you believe would allow you to perform your job. However, the Foundation is not required to provide the specific accommodation you request and may provide an alternative accommodation, to the extent any reasonable accommodation can be made without imposing an undue hardship on the Foundation. After engaging in this dialogue, the Foundation will provide you with a final written determination regarding your request for an accommodation. The Foundation will not discriminate or retaliate against any employee for requesting an accommodation.