

The Population Council’s Discrimination, Harassment and Retaliation Policy

Summary

The Population Council (the “Council”) is committed to providing a courteous workplace in which all staff members are treated with dignity and respect.

DISCRIMINATION IN EMPLOYMENT

There are several laws that protect employees in the workplace. In the U.S., there are federal, state and local laws, such as Title VII of the Civil Rights Act of 1964, the New York State Human Rights Law, and the New York City Human Rights Law, that prohibit discrimination based on race, creed, color, religion, national origin, citizenship, ancestry, age, mental or physical disability (including pregnancy, childbirth and related medical conditions and HIV/AIDS status), gender/sex, gender nonconformity, identity, presentation or expression, genetic information, marital status, domestic partner status, caregiver status, familial status, military or veteran status, sexual orientation, arrest or conviction record, credit history, unemployment status, status as a victim of stalking and sex offenses, or any other characteristic protected by law (“Protected Characteristic”).

These laws prohibit discrimination based on a Protected Characteristic in all aspects of employment, including, but not limited to, hiring, compensation, promotion, fringe benefits, termination, and retirement. The Council is committed to upholding these laws as well as similar laws in the countries where we have operations.

The Council expects all of its staff, employees, fellows, interns and volunteers (“staff members”) to adhere to the Council’s Discrimination and Sexual Harassment Policy (the “Policy”). Accordingly, the Council prohibits conduct that constitutes or could lead or contribute to discrimination or harassment based on a Protected Characteristic. The Policy also applies to non-employees including contractors, subcontractors, vendors, consultants, temporary employees, volunteers, persons providing equipment repair, cleaning services, or anyone providing services in the Council’s workspace.

Moreover, discrimination and sexual harassment are, under U.S. law and the laws of many countries, also illegal. In all countries where the Council operates, we will not only comply with local regulations, but also strive to maintain a high standard of conduct among staff members at all times. All complaints will be investigated thoroughly and appropriate remedial action will be taken.

DISCRIMINATORY AND SEXUAL HARASSMENT

Our Discrimination, Harassment and Retaliation Policy protects the right of employees to work in an environment free from discriminatory harassment, sexual harassment, ridicule, or insult.

Discriminatory Harassment

Although discrimination is sometimes difficult to define, prohibited discrimination and harassment includes any verbal, nonverbal, or physical conduct based on a Protected Characteristic that is designed to threaten, intimidate, or coerce, or that has the purpose or effect of unreasonably interfering with a staff member's or any individual's work performance and/or creating an intimidating, hostile or offensive working environment. Behavior that is considered discrimination and/or harassment includes, but is not limited to:

- Treating a staff member differently on the basis of race, color, sex, national origin, age, disability or any other Protected Characteristic.
- Verbal behavior (such as negative stereotyping, derogatory statements or comments, epithets, slurs, or jokes).
- Physical behavior (such as assault or inappropriate physical contact).
- Visual behavior (such as displaying derogatory posters, cartoons, or drawings, or making derogatory gestures).
- Online behavior such as postings or dissemination of statements or items similar to those described above in any social media platform including Facebook, Twitter, Instagram, Snapchat, etc. or using Council-provided electronic devices (including computers, laptops, iPads, iPhones, or Androids), or systems (including the Internet or the email system).
- Other employment decisions based on a Protected Characteristic or conducted based on a Protected Characteristic that has the purpose or effect of unreasonably interfering with a staff member's work performance.

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

Sexual Harassment

Prohibited discriminatory harassment includes sexual harassment. Sexual harassment means any harassment based on an individual's sex or gender or that is sexual in nature. It includes harassment that is not sexual in nature (for example, offensive remarks about an individual's sex or gender) and unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- submission to such conduct is made an explicit or implicit term or condition of employment;
- submission to, or rejection of, such conduct is used as a basis for employment decisions; or

- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or working conditions by creating an intimidating, hostile, or abusive work environment.

As with all discrimination and harassment, sexual harassment may take different forms. In some cases, even if the conduct itself is non-sexual in nature, actions can be unwanted, threatening, and perceived as harassment, regardless of intent. Preventing harassment in its many forms requires an increased awareness by everyone of the effect that such actions may have on others. The following is a list of unwelcome behavior that may be considered sexual harassment:

- Verbal, such as epithets, derogatory statements, slurs, sexually- related comments or jokes, telling sexual stories, using sexually pejorative innuendo or terminology, making sexist remarks or derogatory comments based on gender, bullying based on gender, probing an individual's sexual experiences or preferences, commenting about an individual's physical appearance, conversations about your own or another individual's sex life, unwelcome sexual advances, requests for sexual favors, insisting on dates when the individual is not interested and has declined previous offers.
- Nonverbal, such as leering at someone in a suggestive manner, showing sexually- suggestive or explicit pictures, making sexually suggestive gestures or body movements, giving unwanted personal gifts, sending inappropriate adult-themed gifts.
- Physical, such as touching an individual's clothing or hair, massaging their neck or shoulders, invading an individual's personal space, kissing or caressing an individual, assault or any other inappropriate physical contact.
- Online, such as any of the above conduct via a social media platform including Facebook, Twitter, Instagram, Snapchat, etc., or accessing, downloading, displaying or distributing electronically sexual content from or via the internet.

Sexual harassment is considered a form of employee misconduct that is prohibited under the Policy. Harassment, sexual or otherwise, is prohibited both at the workplace and at work-related off-site meetings and events. Individuals who engage in conduct that violates this Policy, and supervisory or managerial employees who knowingly allow such behavior to continue, will be subject to discipline, up to and including termination of employment.

PROCEDURE FOR COMPLAINTS OF DISCRIMINATION, HARASSMENT OR SEXUAL HARASSMENT

All complaints should be immediately brought to the attention of the country director, if applicable, and the director of Human Resources in New York. Complaints will be thoroughly investigated, with appropriate corrective action taken when justified.

Reporting Procedure

Any person who is experiencing or witnesses any discriminatory or sexual harassment, or retaliation or any conduct the prohibited by this Policy is encouraged to advise the offender directly that such behavior is unwelcome. The person may choose to pursue this option alone, or ask a supervisor, country director or the director of Human Resources to be present or serve as an intermediary.

In addition, all staff members should immediately report all complaints of harassment to the country director, if applicable, and the director of Human Resources. Prompt reporting is critical so that the Council can take action to stop prohibited conduct before it is repeated.

Individuals should report the conduct regardless of the offender's position at the Council and should also report the conduct even if the offender is not employed at the Council (e.g., a non-employee as described above). If the individual is not comfortable speaking with either the country director or the director of Human Resources, the individual may approach his or her supervisor, who will in turn approach either the country director or the director of Human Resources, unless either are subject to the harassment claim.

Supervisory and managerial employees who receive a complaint of discrimination or harassment, information about suspected discrimination or harassment, observe what may be harassing or discriminatory behavior or for any reason, suspect that discrimination or harassment is occurring or otherwise learn of alleged inappropriate behavior that violates this Policy, are required to report the conduct to Human Resources.

A complaint form can be obtained from Human Resources for reporting discrimination, harassment, retaliation, or any other conduct prohibited by this Policy.

Ability to Report Illegal and/or Unethical Matters to an Outside Firm

If a staff member wishes to make a good faith report concerning any misconduct, illegal and/or unethical matter, **the staff member has the option of remaining anonymous** and contacting an outside employee communications management firm—Navex Global, instead of reporting it in accordance with the procedures set forth above. This service, called EthicsPoint, can be accessed anywhere in the world, 24 hours per day, 7 days a week, via the web portal found at this [link](#).

EthicsPoint will manage the collection of information from staff members who access the service, and then pass along the reports to the Council. Depending on where you are located, you may be able to

make a report by phone using a toll-free number, instead of submitting a report through the web portal. Use the drop-down menu to determine which reporting method(s) are available in your country.

Both methods allow the staff member to remain anonymous or to choose to identify himself or herself. Regardless of the method of reporting, EthicsPoint will then create electronic reports based upon staff member replies to specific questions, which are forwarded to the appropriate person at the Council. You will also receive a REPORT KEY number. You will need your report key (and the password you selected) to check on your report in the future or to make a follow-up.

Investigation

The country director or the director of Human Resources is responsible for conducting the investigation into any act prohibited by the Policy. All reports will be promptly, fairly, and thoroughly investigated.

In conducting the investigation, the assigned investigator will do the following, as appropriate to ensure due process for all parties:

- Review the complaint, whether verbal or written
- Institute immediate interim actions, as appropriate;
- To the extent known and accessible, collect and preserve relevant documents and records;
- Interview the accuser, the accused, and witnesses;
- Notify the accuser and the accused of the final determination; and/or
- Take corrective action, as appropriate.

In conducting its investigations, all information regarding a complaint and the investigation will be handled with the highest degree of confidentiality possible under the circumstances. Identities and facts will be revealed on a strict need-to-know basis, and with due regard for the rights and wishes of all parties, recognizing that there are circumstances in which complete confidentiality may not be possible.

Corrective Action

Corrective action will be taken to end conduct that violates this Policy and prevent the misconduct from recurring. Such actions may include, among other things, oral or written reprimand and warning, mandatory referral for counseling, reassignment, or termination.

Responsibility of Managers

Every Council manager is responsible for creating an atmosphere free of discrimination and harassment. Managers are also obliged to make note of any inappropriate behavior on the part of their staff members, and to take any suitable action necessary to eliminate it. Such action includes discussing the problem directly with the staff member and reporting the situation to the country director, if applicable, and Human Resources in New York.

Supervisory and managerial employees who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment. Disciplinary action, up to and including termination from employment, will be taken where it is determined that a Manager or other supervisory personnel either engaged in conduct prohibited by this policy, failed to report violations of this policy or complaints of workplace discrimination or harassment to the Council, or allowed such behavior to continue.

Complaints that are not Bona Fide

If the Council determines, after investigation, that a staff member has knowingly provided false information regarding a complaint, disciplinary action may be taken against the individual who filed the false complaint or who knowingly gave the false information.

Alternative Remedies in the U.S.

In the United States, sexual harassment is prohibited by federal and state law, including Title VII of the Civil Rights Act of 1964, the New York State Executive Law (a/k/a New York State Human Rights Law) and the New York City Administrative Code (a/k/a New York City Human Rights Law). In order for the Council to promptly and effectively address instances of harassment, and take appropriate corrective action, the Council encourages Individuals to utilize the complaint procedure set forth in this Policy if they believe they have been subjected to conduct that violates this Policy.

However, in addition to utilizing the complaint procedure set forth herein, individuals who believe they have been subjected to sexual harassment may also file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC), and if employed in New York, to the New York State Division of Human Rights (DHR) or New York City Commission on Human Rights or New York City Commission on Human Rights (CCHR). Contact information for these agencies is as follows:

- U.S. Equal Opportunity Commission: 1-800-669-4000 (1-800-669-6820 (TTY)), www.eeoc.gov or info@eeoc.gov.
- New York State Division of Human Rights: (1-888)-392-3644 or dhr.ny.gov/complaint.

- The New York City Commission on Human Rights: 1-718-722-3131 or www.nyc.gov/humanrights. You can file a complaint anonymously.

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. The 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 monetary damages, attorney's fees and civil fines. The CCHR can assess civil penalties of up to \$250,000 in the case of a willful violation, as well as emotional distress damages and other remedies to the victim, can require the violator to undergo training, and can mandate other remedies such as community service.

In addition, individuals may contact the local police department in cases where the conduct may constitute a crime, including harassment that involves physical touching, coerced physical confinement or coerced sex acts.

NO RETALIATION

No adverse action will be taken against any individual for reporting conduct that the individual honestly believes constitutes a violation of this Policy. The Council prohibits any threats or acts of retaliation against any staff member for making a good faith complaint or honestly reporting conduct that may violate this Policy, or for assisting or participating in an investigation or other proceeding hereunder. In the event an individual believes that such individual has been retaliated against for such action, the individual should use the above procedures to report the pertinent facts promptly. The Council will investigate and take appropriate action in the manner described above.

*The foregoing **Discrimination, Harassment and Retaliation Policy** replaces and supersedes any previously-issued Population Council policy regarding the subject matter of the **Discrimination, Harassment and Retaliation Policy**. Compliance with the foregoing **Discrimination, Harassment and Retaliation Policy** is a condition of continued employment. However, nothing in the **Discrimination, Harassment and Retaliation Policy** alters the at-will nature of your employment nor does it constitute a contract of any kind.*