

THE ANDREW W. MELLON FOUNDATION

Equal Opportunity and Anti-Harassment Policy

The Andrew W. Mellon Foundation (the “Foundation”) is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in an environment that is free of discriminatory practices and behavior, including discriminatory harassment. All covered persons (as defined below) must comply with this policy.

I. EQUAL OPPORTUNITY

The Foundation is an Equal Opportunity Employer and is committed to complying with all federal, state and local equal employment opportunity laws, including by maintaining a workplace free from harassment and discrimination. Our different identities impact our understanding of the world and how others perceive us. For example, an individual’s race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While certain parts of this policy are focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. The purpose of this policy is to teach covered persons to recognize discrimination, including discrimination due to an individual’s intersecting identities, and provide the tools to take action when it occurs. All covered persons are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace.

The Foundation prohibits discrimination—including discriminatory and sexual harassment—against employees (including part-time and temporary), trustees, and interns (paid or unpaid) and other persons providing services through a contract with the Foundation (such as freelancers, gig workers, independent contractors, subcontractors, and vendors, as well as persons providing equipment repair, cleaning services, or any other services), and applicants for employment (or for an internship or third-party contractor position described above) (collectively referred to as “covered persons,” and individually as a “covered person”) because of the individual’s race or color, religion or creed, alienage or citizenship status, sex (including pregnancy, childbirth, and related conditions), national origin, age, sexual orientation, gender identity or expression, sexual and reproductive health decisions or decision making (of covered persons or their dependents), disability, height, weight, marital status, familial status, domestic partnership status, caregiver status, genetic information or predisposing genetic characteristics, military status, domestic violence, sexual violence, or stalking victim status, pre-employment arrest record, or any other characteristic protected by law (individually, a “Protected Characteristic,” and collectively, “Protected Characteristics.”) The Foundation also considers for employment qualified applicants and third-party contractors with criminal histories consistent with federal, state, and local law. This policy applies to all Foundation activities, including but not limited to recruitment, hiring, compensation, assignment, training, promotion, performance evaluation, discipline, and discharge.

II. DISCRIMINATORY HARASSMENT

A. In general

As part of this policy, the Foundation prohibits conduct that constitutes or could lead or contribute to harassment because of an individual's Protected Characteristic(s). When taken against an individual because of that individual's Protected Characteristic(s), examples of such conduct include, but are not limited to:

- ethnic slurs
- use of the Foundation's computers or e-mail system to view or distribute racially offensive communications;
- bullying, yelling, or name-calling;
- creating different expectations for individuals based on their perceived identities.
- threatening, intimidating, or hostile acts directed at a particular sex or religious group or directed at an individual because of their 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.

B. 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 misconduct and will not be tolerated. Covered persons are urged to report sexual harassment using the Complaint Procedures provided below. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the state of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating covered persons differently because of their gender. Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

All of the Foundation's policies concerning sexual harassment apply to all covered persons, regardless of immigration status. Harassers can be a superior, a subordinate, a coworker, a trustee, or anyone in the workplace including an independent contractor, contract worker, vendor, grantee, or visitor. Any covered person 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 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, and does not have to be between members of the opposite sex or gender. Any harassing conduct, even a single incident, can be addressed under this policy. Harassment does not need to be severe or pervasive in order to be violative of this policy or New York law. Covered persons should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague terminated over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.

There are two main types of sexual harassment:

- Behaviors that contribute to a **hostile work environment** include, but are not limited to, 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, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, or sexually explicit, derogatory, or discriminatory statements which a covered person finds offensive or objectionable, causes a covered person discomfort or humiliation, or interferes with the covered person's job performance. The impacted person need not be the intended target of the harassment.
- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called **quid pro quo** harassment.

Behavior that may constitute sexual harassment includes, but is 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 or romantic gestures, including gift-giving

- Unwelcome physical contact, such as kissing, hugging, touching, pinching, patting, or grabbing
- Rape, sexual battery, molestation, or attempts to commit these assaults, which may also be considered criminal conduct
- Sexually oriented or sexual gestures, noises, remarks, or jokes
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look
- Intentional misuse of an individual's preferred pronouns
- Offensive, insulting, derogatory, lewd, or degrading remarks
- Unwelcome comments about appearance
- Inappropriate personal questions and comments, such as inquiries/comments about a person's sexuality, sexual experience, or romantic history
- Sexual or discriminatory displays or publications anywhere in the workplace
- 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 workspace, 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, sexual orientation, gender identity, or transgender status
- 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. Covered persons should also keep in mind that prohibited harassment is not limited to the physical workspace itself. Care should be taken in informal business situations, including work and industry-related parties, functions, and business trips to ensure that this policy is strictly followed. Calls, text messages, emails, and social media usage by covered persons can constitute unlawful workplace harassment, even if they occur away from the workplace premises or outside of normal business hours.

Sexual harassment can occur when covered persons are working remotely from home as well. Any prohibited behaviors outlined above that leave a covered person feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the covered person is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

Preventing sexual harassment is everyone's responsibility. The Foundation cannot prevent or remedy sexual harassment unless it knows about it. Any covered person who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior using the Complaint Procedures described below. 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 practicable, using the procedures set forth below.

C. 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 or engagement, performance evaluation, advancement, compensation, assignments, discipline, discharge, or any other term or condition of employment or engagement; or (2) make any employment or engagement 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 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 policy that they observe, using the Complaint Procedures described below.

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.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation can have on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable, and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of covered persons who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

D. Bystander Intervention

Anyone witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not okay; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically touching an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any covered person witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

III. COMPLAINT PROCEDURES

The Foundation strongly urges the reporting of all perceived incidents of discrimination, harassment, or retaliation, regardless of the identity or position of the perceived offender and including when the offender is not employed at the Foundation (for example, a vendor or consultant). Individuals who believe they have experienced, or who are aware of, conduct that they believe is contrary to this policy, or who have any concerns about such matters, have a number of options for reporting those concerns:

- An individual can bring these concerns to the attention of the Foundation's Chief Human Resources Officer.
- If a complaint concerns the Foundation's President or a Trustee, it should instead be brought to the attention of the Board Chair, the Chair of the Audit Committee, or via EthicsPoint (see below).
- Reports also may be made to EthicsPoint, a third-party reporting service authorized by the Foundation to receive such reports. Reports may be submitted to EthicsPoint via a telephone hotline: 1-844-446-5361 or website: www.mellon.ethicspoint.com.
- Alternatively, an individual can bring concerns to the attention of the Chief Legal Officer.

Reports of harassment, discrimination or retaliation may be made verbally or in writing. A complaint form is attached to this policy, which may also be used to report harassment that an individual witnesses or experiences in the workplace.

The Foundation strongly urges the prompt reporting of complaints or concerns so that prompt and constructive action can be taken. Individuals who believe they have been subjected to sexual harassment may also seek assistance in other available forums, as explained below.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that their behavior is unwelcome and requesting that it be discontinued.

Appropriate disciplinary action will also be taken against any covered person who knowingly and willfully makes a false allegation concerning an alleged violation of this policy.

IV. THE INVESTIGATION

Any reported allegations of harassment, discrimination, or retaliation will be investigated appropriately, impartially, and promptly. The investigation will be commenced as soon as practicable under the circumstances. The investigation will vary from case to case, but may include collection and review of relevant documents (including emails and phone records), individual interviews with the parties involved and, where necessary, interviews with individuals who may have observed the alleged conduct or may have other relevant knowledge. While the investigation is ongoing, the Foundation may take interim action to address circumstances, as appropriate. Upon conclusion of the investigation, as appropriate, the individual(s) who reported and the individual(s) about whom the complaint was made will be notified of the conclusion of the investigation.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action. All covered persons are expected to cooperate fully in such investigations.

V. RESPONSIVE ACTION

Misconduct in violation of this policy, including harassment, discrimination, or retaliation, will be dealt with appropriately to resolve prohibited conduct and to curb the likelihood of recurrence of such conduct in the future. Responsive actions will entail those actions that the Foundation believes to be appropriate under the circumstances. This may include, for example, training, referral to counseling, and/or disciplinary action, such as a warning or reprimand, withholding of a promotion or pay increase, reassignment, a temporary suspension without pay, or termination. In the case of violations of this policy by someone outside of the Foundation, the Foundation will take appropriate action to safeguard those covered persons affected by such misconduct. Individuals who violated this policy may also be subject to personal legal and financial liability under applicable law.

VI. NO RETALIATION

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage covered person from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of conduct that may constitute retaliation if motivated by a retaliatory purpose may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as “difficult” and excluding them from projects to avoid “drama”;
- Undermining an individual’s immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.

Threats or acts of retaliation against individuals who report inappropriate conduct pursuant to this 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 applicable law, this policy against retaliation includes a prohibition on retaliating against anyone who, in good faith complains (or encourages another to complain), testifies about, opposes, or provides information about suspected sexual harassment or discrimination based on any Protected Characteristic (a “protected activity”), including sexual and reproductive health decisions and decision making. No covered person shall be subject to adverse employment action—including the actions listed above—because they engaged in good faith in a protected activity. Any covered person who retaliates against anyone for engaging in a protected activity will be subjected to disciplinary action, up to and including termination. These protections extend to those who engage in a protected activity in good faith, even if their complaints are not substantiated or do not rise to the level of a policy violation. However, as stated above, covered persons may be subject to disciplinary action for making intentionally false statements in connection with allegations of discrimination. All covered persons who believe they have been

subject to retaliation in violation of this policy should report their concern using the Complaint Procedures described above.

VII. REPRODUCTION HEALTH DECISION-MAKING

New York labor law and the Foundation prohibit discrimination based on an employee's or a dependent of an employee's reproductive health decision-making, which includes, but is not limited to, decisions to use or access a particular drug, device, or medical service. In addition, New York labor law and the Foundation prohibit requiring any employee to sign a waiver or other document denying the employee the right to make their own reproductive health decisions. Also, employees are prohibited from accessing another employee's personal information regarding the employee's or a dependent of the employee's reproductive health decision-making without the employee's prior informed written consent.

VIII. QUESTIONS

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

IX. LEGAL PROTECTIONS AND EXTERNAL REMEDIES

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 and sexual and reproductive health decisions or decision making, as applicable:

Sexual harassment and discrimination or retaliatory acts against a covered person on the basis of sexual and reproductive health decisions or decision making are not only prohibited by the Foundation but are also prohibited by applicable law. Aside from the internal process at the Foundation, (i) for discrimination or retaliatory acts based on sexual and reproductive health decisions or decision making, covered persons may also choose whether or not to pursue legal remedies in court under the Labor Law and (ii) for sexual harassment, covered persons may choose whether or not to pursue legal remedies with the following governmental entities at any time.

a. State Human Rights Law (HRL)

The New York State Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State, and protects covered persons, 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 of sexual harassment filed with DHR may be submitted any time within three years of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit 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 three years are counted from the 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 receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring your employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive 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.

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be filled out online. The website also contains contact information for DHR's regional offices across New York State. You may call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint.

b. 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 (or, in certain other jurisdictions, 180 days) from the most recent incident of 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. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred but does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, 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 or via email at info@eeoc.gov.

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

c. 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 or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

d. 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.

As of June 3, 2026

Appendix

EQUAL OPPORTUNITY AND ANTI-HARASSMENT POLICY
COMPLAINT FORM

The Andrew W. Mellon Foundation (the "Foundation") is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in an environment that is free of discriminatory practices and behavior, including harassment.

If you are aware of, have observed, or believe that you have been subjected to sexual harassment or discriminatory behavior or practices, you are encouraged to make a prompt report to/through the following:

- The Foundation's Chief Human Resources Officer.
- If a complaint concerns the Foundation's President or a Trustee, it should instead be brought to the attention of the Board Chair, the Chair of the Audit Committee, or via EthicsPoint (see below).
- Reports also may be made to EthicsPoint, a third-party reporting service authorized by the Foundation to receive such reports. Reports may be submitted to EthicsPoint via a telephone hotline: 1-844-446-5361 or website: www.mellon.ethicspoint.com.
- The Foundation's Chief Legal Officer.

The Foundation prohibits retaliation against any individual who in good faith reports discrimination or harassment or participates in any investigation of such reports.

COMPLAINANT INFORMATION (PERSON MAKING COMPLAINT)

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method: Email Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

Please indicate/describe if you have discussed this matter with your supervisor or if you believe that the supervisor is aware of this issue.

COMPLAINT INFORMATION

1. Your complaint of Sexual (or other) Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) when sexual (or other) harassment occurred:

Is the harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

Signature: _____

Date: _____