

Policy Prohibiting Discrimination, Harassment, and Retaliation

(Applicable in the U.S. only. Please note that California, Delaware, Illinois, Maine Massachusetts, New York, Oregon, Rhode Island, and Vermont each have their own state-specific laws regarding discrimination and harassment. Additional information pertinent to CA, DE, IL, ME, NY, OR and RI is below. To receive a copy of this policy with MA or VT language, please contact HR or a supervisor.)

Koch Industries, Inc. and its affiliated companies (the Company) is committed to providing a work environment free of unlawful discrimination, harassment, or retaliation. Consistent with our Guiding Principles, it is sound philosophy to recognize and treat employees with fairness, impartiality, awareness and sensitivity. We will grant equal opportunity in all aspects of employment to all persons without unlawful discrimination.

Company policy strictly prohibits discrimination or harassment based on color, race, religion, religious creed, sex, gender or gender identity, gender expression, sexual orientation, transgender status, national origin, citizenship, ethnicity, ancestry, age, physical disability, mental disability, medical condition, pregnancy (including medical needs which may arise from pregnancy, childbirth, or related medical conditions), military and veteran status, genetic information, marital or familial status, political affiliation, union membership, or any other basis prohibited by law. Harassment includes any verbal or other conduct that is offensive, bullying, intimidating or disparaging to any individual or group and is based on that individual's inclusion in a legally protected group. Harassment need not be directed toward a specific employee and can result from the working environment as a whole. The Company also prohibits unlawful discrimination or harassment based on the perception that an individual is a member of such a group or is associated with an individual who is or is perceived to be a member of a protected group. All such discrimination or harassment is unlawful.

Sexual harassment is a specific form of unlawful harassment that includes unwelcome conduct which is either sexual in nature or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

Conduct that is prohibited includes, but is not limited to, the following behaviors:

- Verbal conduct such as epithets; slurs; derogatory and/or sexually oriented jokes or comments; discussion or inquiries about one's own or someone else's sexual activities; or unwelcome sexual advances, propositions, flirtations, invitations, or comments;
- Visual displays such as derogatory and/or sexually oriented posters, photographs, pornographic displays, cartoons, drawings, or symbols;
- Dissemination of derogatory and/or sexually oriented voicemail, email, graphics, downloaded material or websites;
- Unwelcome touching of a sexual nature, gestures, intentional blocking of normal movement or interfering with work, or other conduct directed toward a person because of their gender, race, or any other protected basis; and
- Threats and demands to submit to sexual requests as a condition of continued employment or to avoid some other loss and offers of employment benefits in return for sexual favors.

The use of any media, including phones, e-mail, instant messaging or the Internet, for the purpose of unlawful discrimination, harassment or retaliation will not be tolerated.

The Company's Policy Prohibiting Discrimination, Harassment and Retaliation applies to all persons involved in the operation of the Company and prohibits unlawful discrimination, harassment or retaliation, whether

directed toward employees, applicants for employment, or other people the Company does business with, such as outside vendors, contractors, customers, or visitors. Additionally, this Policy applies to all work-related settings and activities and includes customer sites, business trips and business-related social events.

Any individual found to have engaged in inappropriate or unlawful conduct will be subject to remedial or disciplinary action, up to and including termination. All managers and supervisors who have knowledge of discriminatory or harassing behavior, whether the conduct is reported or observed, must immediately report their concerns. Managers and supervisors who knowingly allow discrimination or harassment to continue will be subject to disciplinary action, up to and including termination.

All reported concerns will be promptly assessed, and a determination made regarding the appropriate level of investigation and response. To the extent that is reasonable, all allegations and investigations will be handled with confidentiality consistent with our legal and ethical responsibilities. The Company will take all appropriate measures to ensure a neutral, fair, and timely investigation to all persons involved, including complainants, witnesses and alleged perpetrators. This includes ensuring that investigations are conducted by a resource suited to investigate the concern, appropriately considering the need for independence and impartiality. Any employee may be required to cooperate as needed in an investigation of alleged discrimination or harassment.

If an employee believes that they have been subjected to discrimination, harassment or retaliation, has observed such conduct, or has knowledge or someone confides in an employee that a co-worker or other individual in the workplace believes that they have been subject to such conduct, the employee must contact any of the following: their immediate supervisor, any member of management, any local, divisional, or corporate human resources leader, any Compliance and Ethics resource, any lawyer in the Legal department, or the following:

- **GuideLine (All Companies, except Infor):** www.mykochguideline.com or 1-800-216-8007
- **EthicsPoint (Infor Employees):** <https://secure.ethicspoint.com/domain/media/en/gui/57139/index.html>

Retaliation, retribution, or harassment against any employee who, in good faith, asks any question, raises any concern regarding this policy, or participates in an investigation is against Company policy and is prohibited. "Good faith" does not mean that a reported concern must be correct, but it does require that the reporting party believes they are providing complete and truthful information when reporting a concern or asking a question.

If you have additional questions, please contact your HR leader.

Additional Information for California Employees

The Company will ensure that, where it is appropriate to support the investigation, documentation is retained. Additionally, HR will ensure that investigations are appropriately tracked to ensure progress. While employees are encouraged to report claims internally, employees are also able to report claims of discrimination,

harassment, or retaliation to the California Department of Fair Employment and Housing or the U.S. Equal Employment Opportunity Commission.

CA Dept. of Fair Employment and Housing

Phone: 1-800-884-1684

Website: dfeh.ca.gov/complaint-process

Email: contact.center@dfeh.ca.gov

U.S. Equal Employment Opportunity Commission (“EEOC”)

Phone: 1-800-669-4000

Website: EEOC.gov

Email: info@eeoc.gov

Additional Information for Delaware Employees

While employees are encouraged to report claims internally, employees are also able to report claims of discrimination, harassment or retaliation to the Delaware Department of Labor (“DDOL.”) Within the DDOL, the Office of Anti-Discrimination in the Division of Industrial Affairs enforces laws against employment discrimination, including investigating charges of harassment in the workplace.

To contact the Office of Anti-Discrimination, call 302-761-8200 or 302-424-1134. Employees may also visit dia.delawareworks.com/discrimination.

Additional Information for Illinois Employees

While employees are encouraged to report claims internally, employees are also able to report claims of discrimination, harassment or retaliation to external entities like the Office of Executive Inspector General (“OEIG”), the IL Department of Human Rights (“IDHR”) or the U.S. Equal Employment Opportunity Commission.

U.S. Equal Employment Opportunity Commission (“EEOC”)

Phone: 1-800-669-4000

Website: EEOC.gov

Email: info@eeoc.gov

Note: Complaints must be filed with the EEOC within 300 days of the alleged conduct.

IL Office of Executive Inspector General

Phone: 1-866-814-1113

Website: inspectorgeneral.illinois.gov

IL Department of Human Rights (“IDHR”)

Phone: 1-800-662-3942

Website: Illinois.gov/dhr

Note: Complaints must be filed with the IDHR within 300 days of the alleged conduct. For incidents that occurred prior to June 8, 2018, a 180-day time frame applies.

Additional Information for Maine Employees

While employees are encouraged to report claims internally, employees are also able to report claims of discrimination, harassment or retaliation to the Maine Human Rights Commission (“MHRC”) within 300 days of when the alleged conduct occurs. Complaints may be filed in person or by mail using a form provided on the MHRC website and, after filing a complaint and completing an intake questionnaire, claims will be investigated.

You can contact the MHRC by visiting their website at maine.gov/mhrc or calling 207-624-6290.

Additional Information for Oregon Employees

Under Oregon’s Workplace Fairness Act, the statute of limitations is five years for claims of employment discrimination or harassment based on a protected factor.

Employers may not require or coerce an Oregon employee to enter into a non-disclosure or non-disparagement agreement that has the purpose or effect of preventing the employee from disclosing or discussing workplace discrimination or harassment. A non-disclosure agreement is an agreement by which parties to the agreement agree not to disclose certain confidential information. A non-disparagement agreement is an agreement which prohibits a party or multiple parties to the agreement from making negative comments about one another.

Employees with workplace discrimination or harassment claims may voluntarily request to enter into a settlement, separation or severance agreement. In those cases, employees will have at least seven days after signing the agreement to revoke their signature.

Employers and employees should document any incidents involving prohibited discrimination or harassment, including sexual assault.

Additional Information for Rhode Island Employees

While employees are encouraged to report claims internally, employees are also able to report claims of discrimination, harassment or retaliation to the Rhode Island Commission for Human Rights or the U.S. Equal Employment Opportunity Commission.

Rhode Island Commission for Human Rights

Phone: 401-222-2661

Website: <http://www.richr.ri.gov>

Email: RICHR.Info@richri.ri.gov

U.S. Equal Employment Opportunity Commission (“EEOC”)

Phone: 1-800-669-4000

Website: EEOC.gov

Email: info@eeoc.gov

Additional Information for New York Employees

The definition of sexual harassment under New York law is harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. This form of harassment is an unlawful practice in violation of Title VII of the Civil Rights Act of 1964, Parts of the Civil Rights Law of 1991, the New York State Human Rights Law, and (where applicable) local antidiscrimination laws.

Unless a different approach is warranted, investigations will be conducted in accordance with the following steps:

1. Upon receipt of a complaint, an immediate review of the allegations will be conducted, and any appropriate interim actions will be taken.
2. Documents, emails, or phone records relevant to allegations will be obtained, reviewed, and steps will be taken to preserve these records, to the extent necessary.
3. All parties involved, including any relevant witnesses, may be interviewed.
4. Findings from the investigation will be evaluated with appropriate parties and relevant documents will be retained.
5. Human Resources will notify the complainant and/or appropriate parties of the conclusion of the investigation and implement any corrective actions identified.

It is unlawful to retaliate against an individual who testifies or assists in any investigation or proceeding involving allegations of sexual harassment.

For allegations regarding sexual harassment: While employees are encouraged to report claims internally, if an employee believes that they have been subjected to sexual harassment, the employee can choose to pursue legal remedies with the government agencies listed below, under federal, state or local antidiscrimination laws. Additionally, employees may opt to use the standard complaint form attached to this policy.

U.S. Equal Employment Opportunity Commission (“EEOC”)

Phone: 1-800-669-4000

Website: EEOC.gov

Email: info@eeoc.gov

Note: Complaints must be filed with the EEOC within 300 days of the alleged conduct.

New York State Division of Human Rights (“NYSDHR”)

Phone: 1-888-392-3644

Website: dhr.ny.gov/Complaint

Note: Complaints must be filed with the NYSDHR within 1 year of alleged conduct. If you do not file with the NYSDHR, you may have other remedies available in state court within three years of the alleged conduct.

New York City Commission on Human Rights (“NYCCHR”)

Phone: 212-306-7450 or 311 (if local in NYC)

Website: NYC.gov/html/cchr

Local Police Department

Please reference local resources for contact information.

New York Sexual Harassment – Standard Complaint Form

Organizational Details

Business:	
Location where incident occurred: <i>Please include physical address and facility name.</i>	

Please indicate your relationship to the Company:

- Employee
- Former Employee
- Customer
- Contractor
- Vendor/Supplier
- Other (please explain): _____

Personal Details

Last Name, First Name	
Phone Number:	
Email Address:	

Report Details:

Please identify the person(s) engaged in this behavior:

	<i>First Name</i>	<i>Last Name</i>	<i>Title</i>
1.			
2.			
3.			

Have you previously reported this concern to local management, such as your supervisor or manager, leader of your department, location or business unit, or Human Resources representative?

- Yes
- No

If Yes, please use the space below to indicate their names and titles and indicate what action was taken, if any. Please also indicate where this incident or violation occurred.

Please use the space below to provide all details regarding the alleged violation, including the locations of witnesses and any other information that could be valuable in the evaluation and ultimate resolution of this situation.

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I, _____ (*the reporter*), do hereby certify that the allegations made via this complaint form are accurate and truthful to the best of my knowledge. I understand that the intentional reporting of false or misleading information can result in remedial or disciplinary action, up to and including termination.

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Signature

Date

**This form, while not required, can be submitted to any of the parties identified in the Policy Prohibiting Discrimination, Harassment, and Retaliation.*