

# Policy Against Discrimination, Harassment & Retaliation

## INTRODUCTION

We promote a workplace culture of dignity and respect for all employees. Everyone has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Affirm is committed to creating and maintaining a work environment that is free of unlawful discrimination, harassment, and retaliation.

## PROTECTED CHARACTERISTICS

To that end, Affirm strictly prohibits discrimination and harassment of any kind on the basis of:

- Race/ethnicity (including traits historically associated with race such as hair texture and protective hairstyles)
- Sex (which includes pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions) or sex stereotyping
- Gender
- Gender identity (including transgender identity and transitioning) and gender expression
- Sexual orientation
- Color
- Religion (including religious dress and grooming practices)
- Citizenship
- Political activity or affiliation
- Marital status or domestic partner status
- Age (40 or older)
- National origin
- Ancestry
- Physical or mental disability
- Medical condition or information, including genetic information
- Military or veteran status
- Military caregiver status
- Family care or medical leave status
- Taking or requesting a statutorily protected leave
- Status as a person responding to domestic violence, sexual assault, or stalking
- Requesting reasonable accommodation on the basis of disability or bona fide religious belief or practice
- Any other characteristics protected under applicable federal, state, or local law.

Affirm strictly prohibits abusive conduct, discrimination against, or harassment of applicants, fellow Affirmers (employees), or volunteers, or harassment of Affirm's independent contractors, by any people managers, co-workers, or third parties (such as customers, vendors, merchants, clients, visitors or temporary workers). If such conduct occurs in the workplace by someone not employed by Affirm, the procedures in the Reporting & Investigation policy should be followed. The workplace includes: actual worksites, any setting in which work-related business is being

conducted (whether during or outside of normal business hours), Company-sponsored events, and Company-owned/controlled property.

## **DISCRIMINATION**

As used in this policy, unlawful discrimination is the unequal treatment of an Affirmer or applicant in any aspect of employment based solely, or in part, on the Affirmer's or applicant's protected characteristic(s). Unlawful discrimination may include, but is not necessarily limited to, hostile or demeaning behavior towards Affirmers or applicants because of their protected characteristic(s); allowing the Affirmer's or applicant's protected characteristic(s) to be a factor in hiring, promotion, compensation, or other employment-related decisions unless otherwise permitted by applicable law; and unwarrantedly assisting or withholding work-related assistance, cooperation, and/or information to applicants or Affirmers because of their protected characteristic(s).

## **HARASSMENT**

Harassment is a form of unlawful discrimination in which a person engages in unwelcome conduct that is based on a protected characteristic and: (1) submission to the conduct is made either an explicit or implicit condition of employment; (2) submission to or rejection of the conduct is used as the basis for an employment decision; or (3) the conduct is so severe or pervasive that it has the purpose or effect of unreasonably interfering with an Affirmer's work performance or creating an intimidating, hostile, or offensive work environment. Harassment occurs in the workplace or is reasonably related to the workplace.

Harassment may take many forms, and may include, but is not limited to, the following when based upon a person's protected status as noted above: slurs, jokes, statements, gestures, assault, impeding or blocking another's movement or otherwise physically interfering with normal work, pictures and words (including on video conferencing backgrounds), drawings, or cartoons, violating someone's "personal space," foul or obscene language, leering, stalking (including cyberstalking), staring, unwanted or offensive letters or poems, or offensive email or voicemail messages. Harassment can occur between Affirmers, between Affirmers and non-Affirmers, or between non-Affirmers providing services in Affirm's work environment. Affirm will not tolerate any forms of harassment by Affirmers of non-employees with whom Affirm has a business, service, or professional relationship. Affirm also will attempt to protect Affirmers from harassment by non-employees in the workplace.

Sexual harassment is illegal and is a form of unlawful discrimination based on sex/gender (including pregnancy, childbirth, or related medical conditions), gender identity, gender expression, or sexual orientation. Sexually harassing conduct can be by a person of either the same or opposite sex, and does not have to be motivated by romantic interest. Sexual harassment may include all of the above prohibited actions, as well as other unwelcome conduct, such as requests for sexual favors, sexual misconduct (which means any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual's employment position), conversation containing sexual comments, and other unwelcome sexual advances.

Examples of sexual harassment include, but are not limited to:

- Making unwanted sexual advances, including verbal advances, propositions, or requests
- Engaging in unwanted physical conduct, such as touching or assaulting another person, or impeding or intentionally blocking another person's movements
- Conditioning an employment benefit, such as a raise, promotion or assistance with a person's career, in exchange for sexual favors or dates
- Threatening an adverse employment action, such as termination, demotion, or disciplinary action, for a refusal of a request for a sexual favor or date
- Leering
- Making sexual gestures
- Displaying sexually suggestive objects, pictures, cartoons, or posters
- Making graphic verbal comments about a person's body
- Using sexually degrading words
- Writing or distributing suggestive or obscene letters, notes, or emails
- Leaving suggestive and/or offensive voice messages

Affirm also aims to provide a workplace free from abusive conduct in the workplace, even where such conduct is not unlawful. Abusive conduct means malicious conduct that a reasonable person would find hostile, offensive, and unrelated to Affirm's legitimate business interests. This may include repeated infliction of verbal abuse, such as 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. A single act may not constitute abusive conduct, unless it is especially severe and egregious. Performance feedback and performance management does not constitute abusive conduct merely because an employee disagrees with it or the manner in which it is delivered.

If you have any questions about what constitutes prohibited harassment or other inappropriate conduct, please contact your People Business Partner, Employee Relations, or the Ethics team.

Affirm requires all Affirmers to complete sexual harassment prevention training on an annual basis, in addition to annual bystander training or other harassment prevention training as may be required by applicable law. New managers must complete the training within six months after their assignment to a supervisory role in compliance with applicable law. Completion of the self-paced training, which will be assigned to you via our training tool, is mandatory.

## **RETALIATION**

As used in this policy, retaliation is any adverse employment action taken against an Affirmer because the Affirmer engaged in "protected activity" (as defined below). An "adverse employment action" is conduct or an action that materially affects the terms and conditions of the Affirmer's employment status, or would tend to discourage a reasonable person from engaging in "protected activity."

What this means in practice is that no Affirmer will be disciplined, or otherwise retaliated against, for making a good-faith report of conduct implicated by this policy. Good faith doesn't mean you have to be certain or right. It simply means you honestly believe you are providing truthful and accurate information about the concern you are raising.

Specifically, Affirm strictly prohibits retaliation for good-faith reports of any incidents of (perceived) discrimination or harassment; for making any complaints of, or otherwise opposing, discrimination or harassment; participating or cooperating in any investigation (internally or externally by a state or federal agency) of (perceived) incidents of discrimination or harassment; or participating in any external hearing or proceeding related to complaints about (perceived) discrimination or harassment (collectively, “protected activity”).

Any retaliation must be reported promptly to your People Business Partner, Employee Relations, the Ethics team, or the ethics hotline at [www.AffirmEthics.com](http://www.AffirmEthics.com). Any report of retaliation will also be promptly and thoroughly investigated in accordance with Affirm’s investigation procedures outlined below. If an investigation substantiates a complaint of retaliation, Affirm will take appropriate disciplinary action, up to and including termination.

## **REPORTING & INVESTIGATION**

If you believe you have been subject to or have witnessed discrimination, harassment, or retaliation of any kind or any conduct that violates this policy, you must immediately report the facts of the conduct to your People Business Partner, Employee Relations, the Ethics team, or the ethics hotline at [www.AffirmEthics.com](http://www.AffirmEthics.com). We expect Affirmers to promptly report any incidents of potential violations of this policy so that corrective action may be taken when appropriate. In particular, people managers who receive complaints or who otherwise learn of potentially discriminatory, harassing, or retaliatory conduct must immediately inform their People Business Partner, Employee Relations, the Ethics team, or the ethics hotline at [www.AffirmEthics.com](http://www.AffirmEthics.com). Failure to do so may result in disciplinary action, including up to termination.

All reported complaints will be promptly and thoroughly investigated by impartial and qualified personnel. Typically, the investigation will include the following steps: an interview of the person who lodged the complaint to obtain complete details regarding the alleged violation of this policy (i.e., discrimination, harassment, and/or retaliation); interviews of anyone who is alleged to have committed the violative acts to respond to the claims; interviews of any persons who may have witnessed or may have knowledge of the alleged conduct; and review of any relevant documents or other evidence. The person responsible for the investigation will notify the employee who lodged the complaint of progress during the investigation, and timely notify that employee and the alleged policy violator of the Company’s conclusions from the investigation. It’s on all Affirmers to cooperate in the investigation of alleged discrimination, harassment, or retaliation. In addition, failing to cooperate or deliberately providing false information during an investigation shall be grounds for disciplinary action, including termination of employment. Affirm will maintain confidentiality surrounding the investigation to the extent possible and to the extent permitted under applicable federal and state law. Subject to applicable law, it is expected that managers will not discuss investigations (including any outcomes) with other Affirmers, unless there is a business need-to-know about the investigations, to avoid unduly influencing others as to the parties involved in the investigations and out of respect for their privacy.

Even in the absence of a formal complaint, Affirm may initiate an investigation when it has reason to believe that conduct that violates this policy has occurred. Affirm may also continue an investigation, even if the complaint has been withdrawn, to ensure that the workplace is free from unlawful discrimination, harassment, and retaliation.

At the conclusion of an investigation, if Affirm determines a violation of policy has occurred, it will take appropriate remedial action. Remedial actions may include, but are not limited to,

additional trainings, counseling, or disciplinary measures, up to and including termination. Steps will be taken, as reasonable and necessary, to prevent any further violations of policy.

Because a work environment free of unlawful discrimination, harassment, or retaliation is so important, Affirm may take remedial action against an Affirmer who exhibits poor judgment or engages in inappropriate behavior, including sexually inappropriate conduct, even if the conduct falls short of constituting harassment, retaliation, or unlawful discrimination.

## **FEDERAL & STATE RESOURCES**

In addition to notifying Affirm about harassment, discrimination, or retaliation complaints, affected persons may also direct their complaints to the relevant federal and/or state agency that enforces nondiscrimination in employment. Affirm provides the following information about such agencies in accordance with applicable law. These agencies have the authority to conduct factual investigations and pursue recourse on behalf of employees. If ultimately successful, the agencies may be able to obtain monetary and/or non-monetary relief in meritorious cases. Affirmers based in states that are not listed below may refer to the website of their state agency that enforces employment rights, as applicable, or contact the town, city or country in which they live or work to find out whether other local agencies may be able to receive complaints.

**California:** Affected persons may direct their complaints to the California Civil Rights Department (CRD). Employees can contact the nearest CRD office at the locations listed on the workplace posters or by checking the CRD's website (<https://calcivilrights.ca.gov/>). Affirmers may also access the CRD Sexual Harassment Prevention training on the CRD's website (<https://calcivilrights.ca.gov/shpt>), though this training does not replace the mandatory training provided by Affirm.

**Illinois:** Retaliation for reporting sexual harassment is illegal. Affected persons may direct their complaints of discrimination, harassment, and retaliation to the Illinois Department of Human Rights (IDHR). Employees can contact the nearest IDHR office at the locations listed on the workplace posters or by checking the IDHR's website (<https://dhr.illinois.gov/>).

**Maine:** Affected persons may also file a complaint with the Maine Human Rights Commission (MHRC). Employees may follow the complaint process provided on the MHRC's website (<https://www.maine.gov/mhrc/>), or contact the MHRC at: 51 State House Station, Augusta, ME 04333-0051, by telephone at 207-624-6290, or fax at 207-624-8729.

**Massachusetts:** Affected persons may also file a complaint with the Massachusetts Commission Against Discrimination (MCAD). Employees can contact the nearest MCAD office by checking the IDHR's website (<https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>), and may follow the complaint process provided on the MCAD's website.

**New York:** Sexual harassment is illegal under the New York State Human Rights Law, Title VII of the federal Civil Rights Act of 1964, and some local laws, including the New York City Human Rights Law. Affected persons may file a complaint with the New York State Division of Human Rights, the New York City Commission on Human Rights, another enforcement agency (if applicable), or in certain courts of law. Agencies accept and investigate charges of sexual harassment. The New York State Division of Human Rights may be contacted by visiting <https://dhr.ny.gov/>, by telephone at 718-741-8400, or by mail to One Fordham Plaza, Fourth

Floor, Bronx, New York 10458. The New York State Division of Human Rights maintains a toll-free hotline that provides counseling and accepts complaints regarding workplace sexual harassment. This hotline can be reached at 1-800-427-2773. The New York City Commission on Human Rights can be contacted by visiting <http://www.nyc.gov/html/cchr/html/home/home.shtml> or by telephone at 212-306-7450.

Oregon: Affected persons may file a complaint with the Oregon Bureau of Labor and Industries' Civil Rights Division (<https://www.oregon.gov/boli/civil-rights/pages/default.aspx>). Note that Oregon state law requires that any legal action taken on alleged discriminatory conduct commence no later than five years after the occurrence of the violation. Other applicable laws may have a shorter time limitation on filing.

Rhode Island: Affected persons may file a complaint with the Rhode Island Commission for Human Rights (RICHR). Employees may follow the complaint process provided on the RICHR's website (<http://www.richr.ri.gov/index.php>), or contact the RICHR at: 180 Westminster Street, 3rd Floor Providence, RI 02903, by telephone at 401-222-2661 (TTY: 401-222-2664), or fax at 401-222-2616.

Vermont: Affected persons may file a complaint with the State of Vermont Attorney General's Office - Public Protection Division Civil Rights Unit (<https://ago.vermont.gov/divisions/civil-rights/civil-rights-unit-process>). Employees may contact: 109 State Street, Montpelier, VT 05609, by telephone at 802-828-3659 (TTY: 802-828-3665), or fax at 802-828-2154.

Federal: The Equal Employment Opportunity Commission (EEOC) is the federal agency that enforces nondiscrimination in employment and investigates claims of discrimination, harassment, and retaliation. The EEOC has district, area, and regional offices, and may be contacted by visiting [www.eeoc.gov](http://www.eeoc.gov), emailing [info@eeoc.gov](mailto:info@eeoc.gov), or by telephone at 1-800-669-4000 (TTY: 1-800-669-6820).