

## **MAMMOTH BIOSCIENCES POLICY AGAINST HARASSMENT**

### **Purpose of Policy**

The Company is committed to providing a workplace free of sexual harassment (which includes harassment based on sex, gender, pregnancy, childbirth, or related medical conditions), as well as harassment based on such factors as race, color, religious or belief, national or ethnic origin, ancestry, age, physical disability, mental disability, medical condition, marital status, domestic partner status, parental status, political activity or affiliation, sexual orientation, gender identity, gender expression, genetic information, military or veteran status, or any other basis protected by federal or state laws. The Company prohibits and has zero tolerance for harassment of employees by other employees regardless of level or reporting relationships. Further, in accordance with the Equal Employment Opportunity Commission (EEOC) guidelines, Mammoth prohibits harassment on the basis of any legally protected characteristic of an employee's relatives, friends or associates. Similarly, the Company will not tolerate harassment by its employees of non-employees with whom the Company employees have a business, service, or professional relationship. The Company also will attempt to protect employees from harassment by non-employees in the workplace whom employees come into contact with during their employment.

### **Harassment Defined**

Harassment includes any unwanted verbal, physical, or visual conduct that creates an intimidating, offensive, degrading, or hostile working environment or that interferes with an employee's work performance or participation in Company activities. Under California law, such conduct constitutes harassment when (1) submission to the conduct is made either an explicit or implicit condition of employment; (2) submission or rejection of the conduct is used as the basis for an employment decision; or (3) the conduct sufficiently offends, humiliates, distresses, or intrudes upon its victim, so as to disrupt the victim's emotional tranquility in the workplace, affect the victim's ability to perform the job as usual (i.e., makes it more difficult to do the job), or otherwise interfere with and undermine the victim's personal sense of well-being. Under federal law, such conduct constitutes harassment when it (1) results in a tangible job detriment, or (2) is severe or pervasive.

The EEOC has issued guidelines which define sexual harassment as: (1) unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) (when) rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) (when) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Harassing conduct can take many forms and may include, but is not limited to, the following: slurs, jokes, statements, gestures, staring, assault, impeding or blocking another's movement or otherwise physically interfering with normal work, pictures, drawings, or cartoons and other offensive oral, written, computer-generated, visual or physical conduct, based upon an employee's sex, race, color, national origin, religion, age, physical disability, mental disability, medical condition, ancestry, marital status, sexual orientation, veteran status, or any other basis protected by federal or state laws. A single incident can amount to harassment.

Harassment is prohibited whether it occurs during Mammoth working hours or not, and whether at Mammoth facilities or elsewhere, including on social media. Mammoth workers and third parties can also be disciplined for harassment of individuals not affiliated with Mammoth if it calls into question their suitability to carry out their role. Mammoth prohibits harassment even if the conduct is not sufficiently severe or pervasive to constitute unlawful harassment.

Sexually harassing conduct in particular may include the same or similar types of conduct, as well as other unwelcome conduct, such as requests for sexual favors, conversation containing sexual comments, unwanted touching and other unwelcome sexual advances. Sexually harassing conduct can be by a person of any sex, gender or sexual identity.

## **REPORTING AND INVESTIGATION OF DISCRIMINATION OR HARASSMENT**

The Company understands that victims of discrimination and harassment are often embarrassed and reluctant to report acts of discrimination or harassment for fear of being blamed, concern about being retaliated against, or because it is difficult to discuss such matters openly with others. However, no employee should have to endure discrimination or harassing conduct. All employees must promptly report any incidents of discrimination and harassment so that the Company can take appropriate action. In addition, employees are encouraged to inform any person in the workplace whose conduct they find unwelcome.

Any incidents, questions, or concerns relating to discrimination or harassment, including work-related discrimination or harassment by any Company personnel or any other person, should be discussed directly to the EEO Coordinator (Jenny Speer), or any representative of the Human Resources Department. An employee is not required to complain to anyone in Human Resources if they are uncomfortable doing so for any reason, but may instead report the discrimination and/or harassment to their immediate supervisor or any other member of Company management. Supervisors and managers who receive complaints or who observe discriminatory and/or harassing conduct must immediately inform Human Resources or any Company officer so that an investigation may be initiated, and the Company can work toward resolving the claim. Failure by a Company supervisor or manager to properly report concerns or misconduct of which the supervisor or manager is aware could lead to disciplinary action, up to and including termination of employment.

Every reported complaint of discrimination and harassment will be investigated promptly, appropriately, and impartially. Qualified personnel or Company's outside counsel and/or subject matter expert consultants ("Representatives") will conduct the investigation in a fair, timely and impartial manner that will provide all parties with appropriate due process. An investigation can include the following steps: an interview of the employee who lodged the discrimination or harassment complaint to obtain complete details regarding the alleged discrimination or harassment; interviews of anyone who is alleged to have committed the acts of discrimination or harassment to respond to the claims; and interview of any employees or other persons who may have witnessed, or who may have knowledge of, the alleged discrimination or harassment.

The Company expects all employees to fully and truthfully cooperate in the investigation. The investigation will be documented and tracked for reasonable progress. Reasonable conclusions will be reached based upon the evidence collected. Human Resources, or other company official responsible for the investigation, will notify the employee who lodged the discrimination and/or harassment complaint of the results of the investigation. Appropriate remedial actions and resolutions will be proposed, discussed with the employee claimant and implemented by the Company.

Company's personnel and Representatives responsible for implementing this Policy will respect the confidentiality and privacy of individuals reporting or accused of discrimination, harassment, and retaliation to the extent reasonably possible. Examples of situations where confidentiality cannot be maintained include circumstances when the law requires disclosure of information and/or when disclosure by the Company is necessary to protect the safety of others.

Discrimination, harassment, and retaliation are prohibited by state and federal law. In addition to notifying the Company about discrimination, harassment or retaliation complaints, affected California employees may also direct their complaints to the California Department of Fair Employment and Housing ("DFEH"), which has the authority to conduct investigations of the facts. The deadline for filing complaints with the DFEH is three years (effective January 1, 2020; before that date one year) from the date of the alleged unlawful conduct. If the DFEH believes that a complaint is valid and settlement efforts fail, the DFEH may file a lawsuit in court. Courts have the authority to award monetary and non-monetary relief in meritorious cases. Employees can contact the nearest DFEH office by checking the State Government listings in the local telephone directory or on the agency's website at <http://www.dfeh.ca.gov/>. Employees may locate sexual harassment online training courses developed by the DFEH at <https://www.dfeh.ca.gov/resources/>.

In addition, employees may lodge complaints with the federal EEOC and/or the U.S. Department of Education's Office for Civil Rights (OCR).

### **No Retaliation**

The Company's Policy prohibits, and it will not tolerate, retaliation against any employee for (1) making or filing a complaint, (2) raising concerns of discrimination or harassment, (3) opposing any act or practice made unlawful by federal, state, or local law requiring equal employment opportunity or affirmative action, or (4) for cooperating or participating in an investigation. Retaliation violates the law and the Company's Equal Opportunity Policy. Retaliation is any materially adverse action that would dissuade a reasonable person from making or supporting a claim of discrimination or harassment. Retaliation can be direct, such as changing an employee's work location, work assignments, pay or schedule, or it can be indirect such as intimidating, threatening, discriminating against or harassing an employee who has raised a claim or participated as a witness in an investigation. All Company employees are prohibited from engaging in intimidating actions directly or indirectly through other persons.

### **Corrective Action**

If discrimination, harassment or retaliation is established, the Company will take corrective action. Corrective action may include, for example: training, referral to counseling, or disciplinary action ranging from a verbal or written warning to termination of employment and/or reinstatement or promotion of an employee claimant, depending on the circumstances. With regard to acts of discrimination and/or harassment by the Company's customers or vendors, corrective action will be taken after consultation with the appropriate management personnel.

### **Harassment/Abusive Conduct Prevention Training**

All supervisory employees are required to receive at least two hours of interactive training on prevention of sexual harassment and abusive conduct by the earlier of January 1, 2021, or within the first 6 months of assuming a supervisor position (for new supervisors). All nonsupervisory employees are required to receive at least 1 hour of such training by the earlier of January 1, 2021, or within the first six months of assuming their position (as to new employees). If an employee received such training in 2019 or 2020,

retraining is not required until two years later. Thereafter, at least once every two years thereafter, all supervisors must complete at least two hours of interactive sexual harassment prevention training and all nonsupervisory employees are required to receive at least one hour of such training.