



Prevention of Sexual Harassment and Fair Treatment of all Employees

Philosophy

Fair treatment of all employees is a basic policy of NetApp India. In return, it is expected that employees conduct themselves professionally with continued high standards of fairness to one another at all times. Observing reasonable standards of conduct makes it possible for all employees to work together harmoniously and enable and maintain efficient operations.

Objective

This policy on prevention of sexual harassment (the “**Policy**”) is introduced with the objective of providing a congenial work environment, where employees and all those connected with NetApp can contribute without fear of sexual harassment. This Policy complies with the law and provides guidelines to redress sexual harassment of employees at NetApp, those who work within NetApp’s premises on behalf of organizations other than NetApp, and all others who may have dealings with NetApp.

Eligibility / Coverage / Scope

This Policy applies to all employees of NetApp India. The Policy’s behavioral expectations also apply to all temporary employees, vendor employees, contract employees, interns or consultants carrying out work for NetApp (collectively with NetApp’s employees, the “**Employee(s)**”). This also applies to the conduct of a NetApp Employee towards a customer, supplier, vendor, contractor and visitor. The definition of Employees here under is only applicable to the limited purpose of this Policy and will not be construed to create an employment relationship between non-employees (such as contract employees, interns, consultants, or vendor employees) and NetApp.

The Policy shall apply to all allegations of Sexual Harassment (as defined hereinafter) occurring within or outside the premises of NetApp. It applies to all work-related activities and includes, but is not limited to, work related functions (team events, client dinners, and company celebrations), business trips, work away from the office, travelling to and from office, off-site meetings and conferences.

Additionally, acts that are committed during work from home arrangements that are authorized and/ or mandated by the organization would fall within the ambit of sexual harassment at the workplace. “Work from Home” here refers to a situation wherein employees are working from a remote location which is not the organization’s physical

premises, client/ vendor premises, or any other location within the ambit of this policy. Actions which take place in personal capacity will not be considered workplace concerns unless there is a connection with the workplace by way of creation of a hostile work environment for the aggrieved person.

It is expressly clarified that the provisions of this Policy apply to all genders and may be availed by all Employees, regardless of gender identity and sexual orientation.

What Constitutes Sexual Harassment?

Sexual Harassment includes (but is not limited to) any one or more of the following unwelcome acts of behavior (whether directly or by implication):

- Physical contact and advances;
- A demand or request for sexual favors;
- Making sexually colored remarks;
- Showing pornography; or
- Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature, even if not explicitly directed at/to the complaining party.

A non-exclusive list of specific examples of conduct that may amount to Sexual Harassment are as follows:

- a) Cracking rude/sexual/vulgar jokes;
- b) Commenting on an individual's appearance, or clothes;
- c) Making sexist comments;
- d) Referring to someone as baby, doll, honey, dear;
- e) Whistling/catcalling;
- f) Sexual innuendos;
- g) Hanging around a person/staring;
- h) Elevator eyes;
- i) Facial expressions;
- j) Displaying pictures of a vulgar, obscene or sexual nature;
- k) Sharing or watching obscene videos;
- l) Playing obscene music (music with vulgar language);
- m) Making sexual advances, comments or jokes in relation to one's sexual orientation or gender expression.

If any act of Sexual Harassment is accompanied with the following suggestions/actions/repercussions, the said suggestions/actions/repercussions would, by themselves also amount to Sexual Harassment.

- Implied or explicit promise of preferential treatment in employment;
 - Implied or explicit threat of detrimental treatment in employment;
 - Implied or explicit threat about present or future employment;
 - Interference with work or creating an intimidating or offensive or hostile work environment;
- or
- Humiliating treatment likely to affect health or safety.

General

In addition to the above, determining what constitutes Sexual Harassment depends upon the facts and the context in which the conduct occurs. Sexual Harassment may take many forms – subtle and indirect, or blatant and overt.

For example:

- It may be committed by any person regardless of gender;
- The victim may be any person regardless of gender;
- It may be conduct towards an individual of the same gender or any other gender;
- It may occur between peers or between individuals in a hierarchical relationship;
- It may be aimed at coercing an individual to participate in an unwanted sexual relationship or it may have the effect of causing an individual to change behavior or work performance; and
- It may consist of repeated action or may arise from a single incident.

You should also remember that even conduct which is welcome or consensual may not be appropriate in the workplace.

Process To Raise and Address Issues

- The process starts with receipt of a written complaint. The complainant may be the victim, friend of the victim, co-employee of the victim or any other bystander. The complaint must be filed within 3 months from the date of the last incident of alleged Sexual Harassment.
- Employees are encouraged to come forward to report sexual harassment and inappropriate behavior without fear of reprisal. The complainant or representative can file a written complaint with the Internal Committee (IC), which has been set up for the purpose of addressing Sexual Harassment complaints, via email at ng-integrity@netapp.com
- The IC has been authorized to investigate and conduct sexual harassment proceedings. Therefore, if any Employee or representative makes a complaint (verbal or written), to the Manager, Skip Level Manager, HR Business Partner, or Legal, s/he may still be required to file a formal complaint with all details, with the IC.
- Any formal redressal mechanism will begin only after IC receives the complaint in writing or through e-mail. The complaint should contain the name of the accused, the alleged incidents of Sexual Harassment, with specific details of the occurrences, names of witnesses, if any, along with written or electronic evidence, if any, of the occurrences.
- On receipt of any complaint a subcommittee of the IC, consisting of 5 members including the chairman and one external member of that location will constitute the committee to handle the complaint.
- On receipt of the complaint, the committee will conduct a detailed enquiry. The committee would decide the seriousness or the intensity of the complaint and recommend appropriate recommendations to the management, in its report.
- After the conclusion of the enquiry proceedings, the committee will submit its findings and recommendations to the management. Based on the report received from the IC, the management will initiate action and impose appropriate punishment as warranted.

Guidelines for Virtual Inquiry Proceedings

While the inquiry/ conciliation proceedings shall ordinarily be conducted face-to-face with the parties and witnesses physically appearing for meetings at the office premises or any other location specified by the IC, in certain circumstances, the IC may allow the parties or witnesses to appear before it through videoconference or telephonic means. In such situations, the following guidelines shall also be observed:

- Videoconference or telephonic proceedings shall be conducted only with the consent of the parties and witnesses involved.
- The parties or witnesses who are required to depose before the IC shall be given adequate notice of 24 hours to ensure that they have enough time to set up the infrastructure required for taking a video-conference call.
- The IC members/ parties/ witnesses to any inquiry or conciliation will be bound by the same standards of confidentiality as in the case of face-to-face proceedings. Audio or video recording of proceedings shall not be permitted. The IC member/party/ witness appearing through virtual means must ensure that they are alone in the room when taking the call and that no part of information relating to the proceedings is made known to any unauthorized individual.
- Parties/ witnesses will be sent a copy of the minutes of meetings or other relevant documentation (such as inquiry/ findings reports, evidence etc.) via email.
- Any and all communication (including but not limited to consent, confirmations, questions, comments, responses, statements) shall be made through email and/ or digital signatures.
- In the event if videoconference or telephonic proceedings are not feasible, the IC may postpone the same until physical meetings can be conducted.

Expected Timeline for Reporting and Processing the Complaint

Filing the complaint should be made within 3 months of the last occurrence of incident. On a case-to-case basis an extension of 3 more months may be provided by the IC, as it deems fit, after recording reasons for providing such extension. Ordinarily no extension will be provided, and Employees are urged to report instances of Sexual Harassment immediately and expeditiously.

Disciplinary Action

For full time employees, if the complaint is substantiated, depending on the nature and degree of the offence, the punishment could vary from warning to as much as termination from employment. In case the accused is not a company employee, the committee will conduct a preliminary enquiry, and if prima facie case is found, the company may lodge a police complaint, subject to the complainant signing the complaint.

Role of Employee

All Employees need to ensure that their behavior does not reflect any unwelcome sexual behavior. Employees are encouraged to bring any instance of Sexual Harassment to the notice of the appropriate management authority or Internal Committee for appropriate action. All Employees will be held responsible and accountable for their behavior, either deliberate or inadvertent.

All Employees must ensure that they familiarize themselves with this policy. Ignorance of any aspect related to this policy will not be considered as a plea of defense by either the Complainant or the employee accused of harassment.

False or Malicious Complaints and Evidence

During the course of an inquiry being conducted by the IC, if it is found that the Complainant has (i) intentionally made a false or malicious complaint; or (ii) intentionally submitted false documents implicating the respondent, the IC can take disciplinary action including any action as it may deem fit, against the Complainant. Any witness who knowingly produces false evidence will also be punishable as deemed appropriate, by the IC.

It is clarified that the mere inability of the Complainant to substantiate a Complaint made to the Complaints Committee shall not amount to a false or malicious Complaint.

Confidentiality

NetApp wishes to inform all its Employees that the contents of a Complaint under this Policy and the inquiry proceedings set out hereunder will be confidential to the maximum extent possible under the circumstances. Except as required by law and based on the advice of legal counsel, NetApp will not disclose to any third party (other than the attorneys and qualified relevant advisors of NetApp) information regarding the matters contemplated by this Policy. Any such disclosure to such attorneys or qualified advisors will be on a need-to-know basis, to persons who agree to be bound by the terms of this Policy. NetApp wishes to also inform its Employees that these confidentiality obligations also apply to them, including to the Complainant, witnesses, and the accused, and any breach thereof, will amount to misconduct, and NetApp will take any disciplinary action that it deems fit, against such Employee.

Retaliation

Retaliation against an Employee who has complained about sexual or other discriminatory harassment or against an individual who has cooperated with an investigation of such harassment is strictly prohibited and will not be tolerated by NetApp.

Interpretations and Amendments

NetApp reserves the right to amend or cancel this Policy at any time as it may deem fit, as limited by applicable law. NetApp will, in consultation with the IC, periodically review the provisions of this Policy and its implementation (taking into account practical problems, if any, faced by the IC and/or NetApp in the implementation of this Policy). However, any amendments to the provisions of this Policy will not apply to any proceedings in ongoing inquiries.

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