



# Equal Opportunity Policy

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## Equal Opportunity Policy

The Sierra Club is an equal opportunity employer and is committed to ensuring equal opportunity in the conduct of all its business activities without regard to any personal characteristic or status protected under federal, state, or other local law. Protected Status includes any bases protected by federal or applicable state and local law, including: race, color, religion, genetic information, sex, sexual orientation, gender identity or expression, gender-related appearance or behavior, whether or not the appearance or behavior is different from that traditionally associated with the individual's sex at birth, pregnancy, national origin, ancestry, political activity or affiliation, age (over 40), marital status, veteran and military status, physical or mental disability, medical condition, height and weight or perceptions that any employee or applicant has characteristics of any protected class, or any other basis protected by federal or applicable state and local law.

### Scope of Policy

This policy covers, incorporates, and replaces all prior anti-harassment, anti-discrimination, and anti-bullying policies and related materials, including materials regarding the complaint and inquiry processes and pathways and prohibitions on toxic behavior. For details on some of the legal parameters and definitions that are a part of but not the full scope of this policy, you can reference the [Ways Inappropriate Behavior Might Manifest](#) document. The protections of this policy are broad in spirit and application.

This policy applies to behavior that affects an employee (represented and non-represented, Chapter or national), volunteer, fellow, intern, or consultant ("Sierra Club stakeholders"). It applies to behavior that is committed inside the workplace or outside of the workplace, whether committed by another Sierra Club stakeholder or by an external party. This includes when Sierra Club stakeholders may be socializing or interacting outside the formal workplace to the extent that the conduct in question may impact their ability to collaborate with others, the perception of the Sierra Club, or the stakeholder's legitimacy acting on behalf of the Sierra Club.

### Commitment to Maintaining an Equitable & Inclusive Environment

Our commitment to equal opportunity and to creating and maintaining an equitable and inclusive environment extends to all aspects of our personnel policies and practices including advertising, recruitment, interviewing, employment, training, assignment, compensation, benefits, promotion, demotion, and termination policies. Inappropriate workplace behavior, as laid out below, even when it does not rise to the level of a legal violation, is prohibited. Each individual has the right to work in an atmosphere where they can enjoy a sense of belonging and where their identity does not inhibit their opportunities, experiences, or support.

The Sierra Club wants all stakeholders to achieve their full potential, and we are committed to providing a positive work environment where everyone can work together safely, comfortably, and productively. In order to realize the full potential of what we can do as individuals, an organization, and advocates for change, we believe cultivating and maintaining diverse, equitable, and inclusive teams and environments is central to people management and development, particularly in a culture where systemic oppression exists and harms everyone.

The Sierra Club seeks to provide and maintain a positive work environment in which all individuals are treated with dignity and respect and where all employees can work together comfortably and productively. Every individual has the right to work in an atmosphere that promotes equal opportunities and productive engagement and conflict, and prohibits inappropriate, toxic, bullying, and harassing or discriminatory behavior. We firmly believe that by honoring the humanity of one another and fostering an environment of open, honest and principled communication and dialogue, we can improve the workplace for all stakeholders, and we believe that there is strength in acknowledging and correcting the ways in which certain identities and voices have been historically and societally marginalized and silenced.

Everyone working with or for the Sierra Club is expected to actively own and atone for misunderstandings, mistakes, and miscommunications; to strive to listen for understanding; to use open, inclusive, and principled language; to empathize before judging others where possible; and to otherwise work to ensure an equitable, supportive and inclusive environment is maintained. In addition, the Sierra Club encourages individuals who work or collaborate with the Sierra Club to educate themselves about the ways unconscious bias may color their perceptions and experiences of a situation and to do what they can to mitigate or correct for those biases.

### **Inappropriate Behavior -- Including Bullying, Harassment, Discrimination & Retaliation**

The Sierra Club prohibits any form of inappropriate, bullying, harassing, or other discriminatory behavior (“inappropriate behavior”) by or towards any Sierra Club stakeholder, whether inside the workplace or outside of the workplace, whether online or in person, and whether interacting with other Sierra Club stakeholders in work or social settings. Everyone who works with or on behalf of the Sierra Club has the right to be treated appropriately.

Inappropriate behavior includes any conduct that has the purpose or the effect of creating a humiliating, insulting, threatening, offensive, abusive, or intimidating working environment or that interferes with or regularly or significantly interrupts or disrupts a stakeholder’s ability to do their work on behalf of the organization. Inappropriate behavior need not necessarily explicitly involve sexual, racialized, gendered, or other identity-specific content, slurs, or stereotypes in order to be a violation of this policy. Similarly, inappropriate behavior does not require an intent to offend; as a result, conduct that was intended by the actor to be friendly, teasing, complimentary, or welcoming can nonetheless result in a harassing or inappropriate situation. It is also a violation of this policy to engage in hostile, disruptive, or other inappropriate behavior against an individual because they have failed to join in, opposed, or objected to inappropriate behavior of any form; because of the identity characteristics of those with whom they are affiliated or associated; or because they initiated or participated in any sort of internal inquiry or complaint process, external governmental inquiry, or otherwise acted in a “whistleblowing” activity. This policy is broader than what is required by law and is intended to cover inappropriate behavior that may not rise to the level of a legal violation. While this policy controls and is encompassing, the [Ways Inappropriate Behavior Might Manifest](#) document provides greater detail, particularly regarding how the law defines those components covered by legal standards.

Anyone, regardless of identity and protected characteristics can cause harm, and anyone, regardless of identity and protected characteristics, can be an impacted person. Inappropriate behavior can happen between colleagues, from a senior individual to a more junior individual, or from a junior individual to more senior individual, from a Sierra Club stakeholder to an external party, or from an external party to a Sierra Club stakeholder. Often, those with more societal privilege but less positional authority are able to abuse that privilege in inappropriate ways, even against those with more organizational or positional power.

## Performance Management and This Policy

In the course of the employment relationship, it can be appropriate for a manager or supervisor to define the scope or obligations of a role, take performance-related actions, or otherwise hold a team member accountable for performance that does not meet the organization's standards. Such actions by a manager or supervisor, conducted in accordance with the organization's policies and procedures and the protections of the Collective Bargaining Agreements ("CBA"s) where applicable, do not constitute inappropriate behavior and are a core responsibility of any supervisor or manager.

This policy and the related inquiry and resolution procedures are intended to be targeted at inappropriate behavior and discrimination in all of its forms, but is not intended to include pure performance management decisions. Where managers are engaging in necessary and appropriate performance management by providing feedback, direction, correction, or other work-related guidance, the [Resolution Team](#) is not intended as a reviewing body on that performance management. As discussed further below in the section on corrective actions, where inappropriate behavior or discrimination may be informing or influencing performance management, an inquiry and Resolution Team intervention will be necessary.

### Supervisor Responsibilities

Supervisors – those people managers with direct reports – at all levels are responsible for conforming to the letter and spirit of this Equal Opportunity Policy and to all applicable Federal, State, and local civil rights laws.

All individuals who are people managers/supervisors have a duty to understand, implement, and comply with this policy and to ensure that they and their team members comply with it at all times. Supervisors are expected:

- to develop and maintain channels of communication and a working environment that permits and encourages employees to raise concerns of inappropriate behavior, harassment, or discrimination without fear of retaliation; and
- to interrupt – wherever possible, safe, and reasonable for that manager – any observed discriminatory, harassing, or inappropriate behavior when it is happening. There is no neutral reaction to inappropriate behavior.

These obligations do not operate as alternatives to reporting, and anyone who is a supervisor or above is considered to be a Mandatory Reporter.

Any Mandatory Reporter who has reason to believe that a violation of this policy may have occurred – based on personal observations or on reports, whether formal or informal – has an affirmative duty to report the conduct in question immediately. This covers conduct and incidents they see, hear, or become aware of indirectly. The obligation to report potential violations of this policy applies at all times, even if the Mandatory Reporter already intervened, believes they can or have dealt with the situation, believes the situation was isolated or a misunderstanding, or otherwise doubts the severity of the issue.

Mandatory Reporters who are approached by someone sharing concerns about inappropriate behavior are expected to demonstrate consistency, sensitivity, confidentiality, and objectivity. As a best practice, Mandatory Reporters should remind or flag to someone who begins to share with them information that they are a mandatory reporter; in addition, where a relationship exists that would allow a conversation to be supportive and not intrusive, Mandatory Reporters should check-in with and inform individuals they have witnessed be the subject of potentially inappropriate behavior that they are going to or have executed their mandatory reporting obligations. Mandatory Reporters are not allowed to reveal the identity of a complainant or the substance of a complaint to anyone other than to their HR/PCE Business Partner or a more senior individual in the People Department; however, in circumstances where the complaint involves the conduct of the Executive Director or a member of the Resolution Team, then the mandatory reporting can also be made to the Executive Committee of the Board.

All supervisors are required to fully participate in any inquiry and are prohibited from discussing or disclosing information about investigatory discussions during the pendency of the inquiry, including from sharing any information about the fact or substance of any investigatory interviews in which they participate. Supervisors are not to seek out and will not have access to information about the complainant, the witnesses, the investigatory evidence, or the Resolution Team's findings and are not to interfere with the inquiry or participants in any way. They are also fully expected to implement any corrective actions that the Resolution Team assigns and asks them to support, something that the HR/PCE team will monitor and oversee for implementation.

Management/supervisory failure to carry out these responsibilities will be factored into performance management, compensation, and promotion decisions and may result in disciplinary action or discharge.

## Equal Employment Accommodations

### Religious Accommodations

We recognize, honor and appreciate a variety of religious beliefs and personal expressions of your religion. Traditional clothing and/or head coverings are welcome to be worn in the workplace or at work-related events. We encourage (but not require) every staff member to share any religious holidays that you observe as part of your religious practice.

In the event you need to take time away from work to observe religious holidays, we offer floating holidays and personal days as part of our paid time off policies. (Please reference Section 9 Paid Time Off Policies for more information). At specific times you may have special requests related to your religious expressions such as time away from your desk for prayer or a flexible work schedule during periods of fasting. We encourage you to ask for what you need so that we can offer reasonable accommodations.

### Accommodations For People with Disabilities

The Sierra Club believes that all people, regardless of disability or illness, not only can and should be able to enjoy the outdoors but also can and should be valued members of our organization. Sierra Club will comply with all applicable provisions of the Americans with Disabilities Act ("ADA"). It is our policy to not discriminate against any qualified staff member or applicant— that is, anyone who can perform the essential functions of the job—with regard to any terms or conditions of employment because of such an individual's disability or perceived disability. Consistent with this policy of nondiscrimination, Sierra Club will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made Sierra Club aware of their disability, provided that such accommodation does not constitute an undue hardship on the Sierra Club.

Sierra Club has ergonomic devices available for employees to avoid unnecessary physical discomfort while working. Sierra Club will adjust lighting or seating conditions that can lead to job-related injuries. If a staff member has an existing injury or condition, Human Resources will request a doctor's note to receive a professional recommendation for special equipment that a staff member may need to work.

If you have a disability and believe you need an accommodation to perform the essential functions of your job, contact your manager, Human Resources, and/or Facilities if you need this type of assistance.

Sierra Club encourages individuals with disabilities to come forward and request accommodations. If the request for an accommodation is granted, we will work with you to determine the appropriate accommodation for you and to determine whether an accommodation is having the desired result. If the accommodation request is denied, you will be advised of your right to appeal the decision by submitting a written statement explaining the reasons for the request. If the request on appeal is denied, that decision is final.

### Accommodations During Pregnancy and Childbirth

Staff members and applicants for employment in California may request a reasonable accommodation for pregnancy, childbirth and related medical conditions. For purposes of this policy, a "related medical condition" is a medical condition related to pregnancy or childbirth that inhibits the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques, but does not prevent the staff member from performing their job functions in a reasonable manner, with or without reasonable accommodation. See more information in the supplemental Leaves Resource: [Pregnancy Disability Leave](#)

## Lactation Accommodation Policy

This policy encourages a supportive work environment for employees who wish to express breastmilk at work during working hours. We understand that a supportive work environment for these employees will greatly benefit their health and welfare, strengthen their families, and therefore benefit the Sierra Club community.

Sierra Club will provide all employees who wish to express breast milk at work with a reasonable amount of break time. The break time will be required to run concurrently, if possible, with any paid break time already provided. Unless it runs concurrently with paid break time, break time for expressing milk is unpaid.

Sierra Club will provide all employees desiring to express breast milk with the use of a room, or other location, other than a bathroom, in close proximity to the employee's work area.<sup>1</sup> The space will be protected from view and intrusion by co-workers and the public. Rooms designated for lactation are identified with appropriate signage. A designated lactation space may be used for other purposes when not needed for lactation. The employee's normal work area may be used if it allows the employee to express milk in private. The area shall be safe, clean and free of hazardous materials, contain a surface to place personal items, contain seating and provide access to electricity.

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<sup>1</sup> Sierra Club is required to provide these spaces for any locations based in California and meet any other applicable requirements for states that provide lactation accommodation benefits. However, we will strive to ensure that such spaces are provided at all Sierra Club workplaces.



## Reporting, Inquiry & Resolution Process

To ensure that matters are handled with urgency, consistency, and professionalism, a Resolution Team, made up of the senior-most person in the HR (soon to be known as the People Culture Equity Department (“PCE”)), the General Counsel, and the Director of Organizational Transformation, is responsible for overseeing inquiries and deciding on and assigning resolutions.

We strongly encourage anyone who experiences or witnesses any form of inappropriate behavior to come forward at the earliest possible point. The Sierra Club does not want individuals to wait until a problem becomes overwhelming, extreme, severe, or pervasive. We are committed to stopping inappropriate behavior as early as possible because the sooner we are able to act, the better we are able to prevent or mitigate harm and to find solutions that align with our values and commitment to cultivating and maintaining equitable and inclusive working environments.

### Protections Surrounding Reporting & Inquiries

#### *Anonymity*

Complete anonymous reporting is available when done through the [anonymous STOPit website or hotline](#), which is available to all Sierra Club stakeholders. In addition, the Sierra Club is willing to receive reports where the reporter asks to be anonymous or where those targeted for harm are identified in the collective (for example: “someone in Organizing” or “the women in IT”).

Please note that where anonymity is requested, it may limit our ability to investigate or fully investigate a matter. For example, when no information is provided other than a large department or location is problematic, the organization does not have sufficient information to proceed with an inquiry. In general, the organization asks that – even where individuals seek to proceed anonymously – they provide the identity of the individual or individuals causing harm, some information about the kinds of inappropriate or problematic behavior at issue, and some information about when or where the problems are occurring.

#### *Confidentiality*

The Sierra Club recognizes that confidentiality supports a process that allows for greater comfort for those sharing difficult or uncomfortable experiences or observations and greater space for learning and growth for those who have made mistakes. In order to protect everyone who might be involved in an inquiry and particularly to protect those who hold less positional or identity-based power and privilege and to make it safe for everyone to reach out when they or others are having a problem, the Sierra Club is committed to a reporting and inquiry process that provides as much confidentiality as is possible given the particulars of each circumstance.

Both during and after the inquiry, every step will be taken to protect the identities of all individuals involved to the extent possible. For example, how interviews and other aspects of the inquiry are conducted will be designed to not reveal identifying information or details to the greatest extent possible. This means that participants in an inquiry often will not know who reported the concern or issue, who else has been interviewed, who the subject of the inquiry is, or the nature of the specific concerns being investigated. All records regarding the inquiry – including who reported a concern, who was interviewed, and what other information was gathered – will be maintained in confidential HR/PCE files to which only the Resolution Team and relevant HR/PCE professionals will have access.

Individuals who participate in inquiries are encouraged to exercise their best judgment about what they share and with whom, and in general, participants in inquiries are discouraged from talking with others about the substance of their interviews. Of course, all individuals who are unionized can speak with their union representation and request having a union representative present during an inquiry interview and the other guarantees negotiated in the [Union Contracts](#) regarding notification to individuals being investigated will be

honored. The Sierra Club asks that any union representatives involved exercise the same judgment and discretion that we ask of active participants.

### *No Retaliation & Respect for Those Voicing Concerns*

Whatever the outcome of any inquiry, Sierra Club stakeholders who report concerns or complaints and who try to engage the organization in order to help ensure enforcement of and compliance with our Equal Opportunity Policy are doing the organization a service. The Sierra Club thanks any stakeholder who comes forward and expects all employees and volunteers to, at a minimum, refrain from publicly or openly making disparaging statements or comments regarding those who report harm or participate in an inquiry. Comments that disparage these individuals or that might have the effect of dissuading reporting are a violation of policy, as is any other form of retaliatory behavior – which might include but is not limited to exclusion from meetings or events, ostracism, bad-mouthing, or other conduct that may limit engagement with the Sierra Club or that would be reasonably likely to deter someone from reporting or participating in an inquiry. If a stakeholder experiences any conduct that they believe to be retaliatory, they should report the concerns using one or more of the reporting procedures below.

## **Making an Initial Report**

### *Who Can Report*

A Sierra Club stakeholder who believes they might be a target of inappropriate behavior, bullying, harassment, discrimination, or retaliation can share their concern, complaint or report directly on their own behalf. We also welcome and encourage other individuals to come forward; other individuals who can come forward include: (a) a bystander or witness; (b) a Sierra Club stakeholder acting as a representative of a group of Sierra Club stakeholders; or (c) someone who believes they may have crossed the line themselves.

### *When To Report*

The Sierra Club does not expect or require someone experiencing inappropriate behavior to try and address the situation directly with the person or people causing harm before reporting a concern. However, the Sierra Club encourages individuals to try and engage in difficult conversations, direct interventions, and calling one another in where possible. We also recognize that it is not always feasible or safe to do so and that power and privilege can directly impact the viability of such a course of action.

### *Who Can Receive a Report*

A person making a report under this policy can reach out to any of the following individuals – all of whom are Mandatory Reporters:

- their manager;
- any other Sierra Club manager; or
- any member of the HR/PCE Department.

You can also make a complaint via the anonymous [STOPit hotline or webpage](#). In addition to the aforementioned options, unionized employees also may choose to use the grievance process where applicable; your union steward may be present during any reporting or interview interactions.

For complaints regarding the Executive Director, a member of the Resolution Team, or a member of the national Board of Directors, you can also make a complaint to the Executive Committee of the Board, via the email addresses listed on Campfire.

Please note that after the initial report, an Investigator – who may not be the person who takes the initial report – will be assigned and will commence the inquiry. All stakeholders may also choose to pursue legal remedies with governmental entities.

### *What to Share in an Initial Report*

Someone who wants to share a concern, complaint or report should be prepared to provide as much information as you are comfortable sharing in order to initiate the inquiry. At a minimum, someone making an initial report should be prepared to share some details regarding the (a) the person or people causing harm; (b) the kinds of problematic behavior at issue; (c) the timeframe and setting for this problematic behavior; and (d) who is being affected by the behavior. Reports may be made verbally or in writing using mail, email or other written communication. You may also fill out and email this [optional EOP reporting form](#) and then provide it to your HR [Partner](#) or any other member of the HR/PCE Department.

### *Timelines and Benchmarks*

The Sierra Club will make every effort to initiate contact with the person reporting a concern in the context of an inquiry within five to seven business days of receiving a report. If you have reported a concern and not heard from someone in HR/PCE after five business days, you should feel comfortable elevating your concern directly to any member of the Resolution Team (HR/PCE Director, the General Counsel, or Director of Organizational Transformation).

In most cases, the Sierra Club hopes to complete inquiries and assign resolutions within seventy-five business days of receiving a report. Of course, where matters can be investigated and resolved more quickly, they will be. To facilitate this effort, all stakeholders who participate in the process are expected to cooperate fully with the Investigator and to provide information as accurately and as completely as possible. The timeline for inquiries may be extended:

- where the complexity of the inquiry requires more time;
- where necessary and appropriate accommodations are needed for individuals participating in any inquiry; or
- where capacity limitations dictate.

In addition, while the People Culture Equity Department is being staffed up and the new policies are being put into place, it is reasonable to expect that timelines for inquiries will run longer until sufficient resources are in place.

### *Scope and Typical Sequence of Inquiries*

In general, inquiries will proceed with: (1) a second, more comprehensive interview with the person reporting the concern; (2) interviews with any individuals reported to be the targets of harm; (3) interviews with any witnesses or other individuals identified as having relevant information; (4) interview with the subject of the inquiry; (5) interviews with any witnesses or other individuals identified by the subject of the inquiry; and (6) a final interview with any targets of harm to respond to any counter-narrative offered by the person accused of wrong-doing and to share any final or additional information. The Investigator may, where appropriate, also review electronic or hard-copy records in the course of their inquiry. The inquiry's scope will be dictated by the nature of the concern and what is learned in the course of the inquiry. For example, in circumstances where those involved are limited, the number of interviews may be minimal; in contrast, where the concerns are widespread, the number of interviews may be extensive.

### *Implementation of and Input into Inquiries*

In most circumstances, inquiries will be handled by the HR/PCE Team and/or members of the Office of General Counsel; outside assistance with inquiries and/or resolutions will be utilized where resources or circumstances require. No other stakeholders (employee or volunteer) – including the supervisor(s) of the reporter and/or those targeted for harm, the supervisor of the subject of an inquiry, the Executive Director, and/or others in senior leadership – will be able to exercise influence over or have a role in the inquiry process or outcome of the inquiries. Of course, where those individuals may have relevant information as witnesses, they will be interviewed as a part of the inquiry.

To this same end, for inquiries involving allegations against an individual in the Resolution Team's line of reporting, that member of the Resolution Team must not be apprised of the matter or involved in any way in the inquiry (unless as a witness) or its resolution. If the complaint is against a member of the HR/PCE team, then the inquiry will be handled either by a trained investigator in the Office of General Counsel and/or with the assistance of external investigators.

### *Complications with Relevant Parties*

Failure of anyone, including a third party, to participate in an inquiry will not prevent an inquiry from proceeding or a review and resolution by the Resolution Team. While investigators will make good faith attempts to contact witnesses, the organization will continue to proceed with inquiries even if witnesses do not make themselves available. In addition, the resignation or separation of the subject of an inquiry or of a reporter or target of harm will not stop or prevent an inquiry from proceeding, as there are often lessons to learn about broader organizational, departmental, and/or team changes that may be appropriate and there may be steps that are necessary to take on an individual level following their departure.

Finally, in some cases the Sierra Club may determine it is not necessary and not in the best interest of Sierra Club stakeholders to interview an external inquiry subject, particularly where such an external interview might expose stakeholders to more harm or possible retribution. Often, with external (non-Sierra Club) inquiry subjects, the organization will work to identify what mitigations or solutions might be found without the need to actively interview or involve individuals over whom the organization can exercise no meaningful control.

### *Interim Interventions and Modifications*

While the inquiry is pending, the Sierra Club may need to modify or limit the role or responsibilities of the subject of the inquiry if (a) that the conduct in question is of a serious-enough nature and/or (b) that the target(s) of harm specifically requests it. In those circumstances, the Resolution Team will determine whether and to what degree interim modifications or interventions are merited, guided by the principle of ensuring that the opportunities of those being targeted for harm are not negatively affected or otherwise interrupted during the pendency of an inquiry. At no point will a subject of the inquiry have any role in the inquiry beyond providing an interview and suggestions of other potential witnesses or relevant material.

### *Inquiries Regarding the Executive Director, Resolution Team Members, or Members of the Board of Directors*

For inquiries involving allegations that the Executive Director, any of the three members of the Resolution Team, or any member of the National Board of Directors, has themselves engaged in inappropriate behavior, the Executive Committee of the Board will oversee the matter by (a) seeking the written advice of Head of HR/PCE and the GC unless such individual is implicated, (b) seeking advice of internal or, if appropriate, external investigators, and (c) sharing with the full Board the written advice from the Head of HR/PCE, the GC, and any investigators and recommending to the full Board the resolution of the inquiry.

## **Resolutions & Corrective Actions**

### *Individuals Involved In Resolutions and Corrective Actions*

Once the inquiry is completed, the Investigator will provide a report to the Resolution Team – made up of the senior-most person in HR/PCE, the General Counsel, and Director of Organizational Transformation – for review and determination. The Resolution Team will review the inquiry report and will (a) make a finding regarding whether corrective action is merited, and, if so, (b) will assign any applicable corrective actions or next steps.

In cases where the recommended corrective action for a volunteer is denial or removal of membership, the General Counsel will present the Resolution Team's finding and assigned corrective actions to the Board Panel. The Board Panel will review the Resolution Team's report and, with the legal guidance of the General Counsel, either confirm the Resolution Team's corrective action or remand the matter back to the Resolution Team for additional information or further inquiry. In cases where the recommended corrective action for a volunteer is permanent restriction of rights or privileges, that volunteer may seek the Board Panel's review. Again, the

Board Panel will review the Resolution Team's report and, with the legal guidance of the General Counsel, either confirm the Resolution Team's corrective action or remand the matter back to the Resolution Team for additional information or further inquiry.

Other members of management, including the Executive Director, and other members of the Leadership, whether employees or Volunteer Leaders, will not have input into or control over the inquiry, finding, or what the course of action should be for matters investigated and resolved subject to this policy. Of course, where those individuals may have relevant information as witnesses, they will be interviewed as a part of the inquiry. At all times, supervisors have a duty to report, to participate fully in inquiries, and to implement corrective actions, including where they might be charged to help navigate conflicts moving forward.

### *Performance Management and Corrective Actions*

The Resolution Team's charge is focussed on inappropriate behavior and discrimination in all of its forms, but is not intended to include pure performance management decisions. Where managers are engaging in necessary and appropriate performance management by providing feedback, direction, correction, or other work-related guidance, the Resolution Team is not intended as a reviewing body on that performance management. However, where concerns are raised that identity-based characteristics may be inappropriately informing those performance management decisions or actions, the Resolution Team will need to assess those concerns before further performance management action (such as imposition of a performance improvement plan, significant modification of work duties, etc.) is allowed to proceed.

### *Theory and Approach to Assignment of Corrective Actions*

The Resolution Team's charge is constructive, not punitive. They will assign corrective action(s) based on the goal of ensuring an equitable, inclusive, and supportive environment is maintained. Corrective action will be tailored to the situation; will be designed to address the full scope of discriminatory, harassing, retaliatory or inappropriate behaviors in question; and will not depend on whether or not the conduct in question is technically legal/illegal. Even where the inquiry is inconclusive or if it is determined that there has been no technical violation of policy but potentially problematic conduct may have occurred, the Resolution Team may assign appropriate preventive or corrective action.

Where a violation of policy has occurred, the Resolution Team will assign appropriate and proportionate corrective action depending on: a) the severity, frequency, and/or pervasiveness of the conduct; b) prior complaints made against the individual; c) the quality of the evidence (e.g., first-hand knowledge, credible corroboration, etc.); and d) indicia of the individual's willingness to learn, grow, and change. The Resolution Team will also work to ensure that it is consistent in its assignment of corrective action so that similar kinds of corrective actions are assigned to similar circumstances. In general, corrective actions might be assigned from the following general categories of interventions:

- Low (e.g. Informal Feedback, Notation in Personnel Records, etc.)
- Moderate (e.g. Extended Coaching, Additional Training, Monitoring, Modification of Duties, etc.)
- Serious (e.g. Reduction of Role and/or Compensation, Demotion, Limitations on Promotion, etc.)
- Severe (e.g. Termination, Severing of Relationship, etc.)

Corrective actions such as reassignment will not create a burden on the person(s) harmed by inappropriate, discriminatory, harassing, or retaliatory behavior; and reassignment will not be utilized where moving a person who has caused harm would only expose other individuals to harm. To the contrary, where appropriate, the Sierra Club will take action to remedy or mitigate losses, if any, which resulted from inappropriate behavior. All protections provided by collective bargaining agreements will be honored.

Corrective actions involving third parties may involve mitigations, education-attempts, and/or modification or termination of the relationship, within the bounds of what the organization can do about individuals over whom they exercise no formal control.



### *Conflict Resolution or Mediation-like Processes*

In some cases, an inquiry identifies that an appropriate corrective action can be a conflict resolution process or other supportive, facilitated series of discussions or conversations. Successful conflict resolution depends on all stakeholders being open to and invested in a restorative process and on those who have caused harm being willing to own and atone for their mistakes, missteps, or miscommunications. Here, as is true for other corrective actions, assignment to a conflict resolution or other restorative or mediation-like process will only happen after an inquiry and review by the Resolution Team.

### *Safeguards for Consistency and Meaningful Accountability*

The Sierra Club is committed to assigning resolutions and any corrective actions consistently and without regard to job title, role, responsibility, tenure, prior performance, or Protected Characteristics. We will retain confidential centralized records regarding inquiries, findings, and assigned corrective actions to ensure consistency and fairness in the process, to hold ourselves accountable to ensure no unintended but disparate impacts on any particular identity groups, and to provide a sufficient perspective where multiple complaints may be made about the same individual over time.

### *External Liability*

Finally, any employee or volunteer who engages in prohibited inappropriate behavior may also be personally liable for monetary damages as allowed by law. The Sierra Club considers conduct in violation of this policy to be outside the course and scope of employment and not a consequence of the discharge of an employee's duties. Accordingly, to the extent permitted by law, the Sierra Club reserves the right to not provide a defense and/or to not pay damages assessed against employees for conduct in violation of this policy when available by law.

### **Communications Regarding Inquiries and Resolutions**

**During the inquiry**, the Investigator will provide each participant with information regarding their rights regarding non-retaliation. In addition, the Investigator will make themselves available if any person participating in an inquiry has concerns about retaliation or other negative consequences. Further, the Investigator will be prepared to try and provide information on expected timelines (although those projections can change) and will notify all participants about when they are wrapping up the inquiry and handing the matter off to the Resolution Team for consideration and resolution. After the inquiry, the HR/PCE Department will also check with the reporter and with any witnesses to ensure that any inappropriate behavior has subsided and that participants are not experiencing retaliation. The Sierra Club will conduct these check-ins 2-3 months after the close of an inquiry. If problems arise or resume after that point, we strongly encourage that HR/PCE is notified directly so we can initiate additional inquiry and respond appropriately.

**Once the Resolution Team's decisions have been finalized**, the Investigator will inform individuals who were the target of harm whether corrective actions have been assigned and some general information about the categories of corrective actions assigned. Resolution Team members, the Investigator, and/or an HR/PCE Business Partner will meet with any individual being assigned corrective action to review that action and next steps. Any members of management who are needed to help implement corrective actions will be briefed only about what the corrective action is and the role those members of management are required to play; members of management will not be read into the details of the inquiry in order to protect the confidentiality of the inquiry and all participants. Where a unionized member is a target of harm, the union will also be given information regarding the dates: the inquiry was initiated and concluded, the date the Resolution Team assigned any corrective actions, and the date by which all relevant corrective actions were communicated. Participating witnesses will be told by the Investigator that the inquiry is closed and the matter has been resolved. Out of the interests of preserving confidentiality to the extent possible, further information about individual inquiries or outcomes will not be shared.

**On an annual basis**, the Sierra Club will report out high-level metrics to the Board and to the Sierra Club community regarding the:

- Number of complaints received
- Number of open/unresolved matters
- Length of time from complaint to first contact from HR/PCE
- Average length of inquiry/resolution
- Rates of serious/severe corrective actions assigned
- Number of matters where external assistance was sought
- Number of matters where the organization met its affirmative retaliation/reoccurrence checks

Information about individual inquiries or resolutions or other identifying information will not be shared in this annual reporting.

## External Remedies

Discrimination, harassment and retaliation are not only prohibited by the Sierra Club but are also prohibited by state, federal, and, where applicable, local law. Aside from the internal processes addressed above, employees may also choose to pursue legal remedies externally. Both the EEOC and state and local agencies serve as neutral fact finders and attempt to help the parties try to voluntarily resolve disputes.

- **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 from the harassment. There is no cost to file a complaint with the EEOC. 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](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).
- **State & Local Human Rights Laws.** Many states and localities enforce laws protecting individuals from sexual harassment and discrimination. For example, the California Department of Fair Employment and Housing ([DFEH](#)) provides support and services to employees who believe they have been unlawfully treated. An individual can contact the state, county, city or town in which they live to find out if such a law exists and what the timelines and procedures are for using those state or local protections. Complaining internally to the Sierra Club typically does not extend your time to file under state or local laws.
- **The Local Police Department.** If the inappropriate involves unwanted physical touching, threats of physical violence, property damage, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Employees may contact the local police department with or without the Sierra Club's assistance or knowledge.

While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

## Close Personal Relationships Policy

Close personal relationships, whether familial or romantic/intimate, can create actual or perceived conflicts of interest, nepotism, favoritism, and/or undue influence. All decisions regarding the presence of a conflict of interest, the possibility of improper influence or favoritism, and/or any appropriate remedial action are at the Sierra Club's sole discretion.

### **Close Personal Relationships Defined**

Romantic close personal relationships include employees who are engaged in regular intimate physical interactions and/or are in a dating relationship, spouses, intimate cohabitation, domestic partners, and others in similar romantic relationships – all of whom are subject to this policy. This applies to all individuals without regard to the gender or sexual orientation of those involved.

Familial close personal relationships include siblings, parents, children, grandparents, nieces, nephews, aunts, uncles and others in similar family-like structures. Any employee in a close personal relationship as defined above is "related" for purposes of this policy.

### **Disclosure of Close Personal Relationships**

When an employee has a relationship that meets the definition of close personal relationship, or when an employee has a relationship that raises a question under this section, that relationship should be disclosed immediately to an HR/PCE Business Partner or other member of HR/PCE. The obligation to disclose is one that sits with all individuals involved with the Sierra Club.

#### *Familial Relationships*

When two or more employees are related by familial but non-romantic ties, the employees involved must immediately disclose the relationship situation to the HR/PCE Director and/or an HR/PCE Manager. Such disclosure should be made in writing via the familial relationships form. The Sierra Club will consider what, if anything, needs to be done to address the situation. It will review and address each situation individually based on the specific circumstances, the Sierra Club's needs, and to a lesser extent the preferences of the employees involved.

#### *Romantic Relationships*

In considering whether a relationship falls within this policy, all employees are urged to disclose the facts if there is any doubt rather than fail to disclose in cases where a relationship exists or existed in the past. Current romantic relationships must be disclosed using the Romantic Relationship Disclosure Form. In addition, the HR/PCE Department may conduct check-ins at approximately twelve-month intervals to ensure that any romantic relationships remain fully consensual and appropriate within the confines of the workplace. These requirements also apply to those in domestic partnerships or marriage.

### **Regulation of Personal Relationships in the Workplace**

While the Sierra Club does not prohibit outright the hiring or employment of family members or romantic relationships between staff members or with partners or vendors, it must monitor and regulate those relationships for the protection of all involved and does not allow those in personal relationships to be involved in any hiring decisions regarding roles where a person being considered is in a personal relationship. The Sierra Club does not allow those in close personal relationships to work in a manager/subordinate relationship or within the same reporting line structure. In addition, individuals in close personal relationships may not occupy a position that will be directly reporting to or supervising someone else in that close personal relationship. The Sierra Club also reserves the right to take action if an actual or potential conflict of interest arises involving relatives or individuals involved in a romantic relationship who occupy positions at any level (higher or lower) that may affect the review of employment decisions.



In addition to the prohibition on romantic personal relationships across direct reporting/supervisory lines, all Sierra Club employees are prohibited from engaging in any personal relationships with interns or fellows, including dating, romantic, or sexual relationships – regardless of the kind of supervisory control that might exist.

Similarly, power dynamics complicate consent, including but not limited to those differentials created by positional authority, political influence or sway, relationships with key individuals, or control (indirect or direct) over someone's work or volunteering responsibilities or opportunities. As such, Sierra Club discourages any romantic, intimate, or sexual relationships that might be complicated by such power dynamics. In addition, the Sierra Club expects that any individuals entrusted with supervisory authority over other Sierra Club employees or volunteers recognize the heightened responsibilities that come with that role.

### **Remedial Action**

In other cases where a conflict or the potential for conflict arises because of the relationship, even if there is no line of authority or reporting involved, the Sierra Club will determine appropriate remedial action to ensure the protection of all involved. Remedial actions may include reassignment of duties, transfer, reorganization of reporting structures, limitations on responsibilities or reporting lines that might be affected by the relationship and/or requested resignation from employment.

**Behavioral Misconduct Reporting Form (Optional) (For EOP Policy violations)**

*(for use by both staff and volunteers)*

Office use only: Investigator Assigned: \_\_\_\_\_ Date Assigned: \_\_\_\_\_

<b>Date of Report:</b>	
<b>Name of Person Reporting:</b>	
<b>Preferred Contact Information:</b>	
<b>Person Taking/Recording Report</b>	
<b>Who</b> acted/is acting in an inappropriate, discriminatory, or harassing manner?	
<b>What</b> are the kinds of problematic behavior at issue?	
<b>When</b> and <b>Where</b> did these things take place?	
<b>Who</b> is being affected or harmed by the behavior (generally)?	

**Optional Additional Information**

<b>Witnesses</b> who may have relevant information:	
Individuals to whom you've <b>previously complained or reported</b> (if ever):	

Please send the completed form to your [Human Resources Partner](#). You may also choose to [report misconduct anonymously](#) online or by phone, 24x7.

## ROMANTIC RELATIONSHIP DISCLOSURE FORM

The Sierra Club wants to support and protect our team members in all ways. To this end, we want to help support you through any consensual relationship with another team member.

**[PERSON A]**, employed by the Sierra Club as a **[name of position]**, and **[PERSON B]**, employed by the Sierra Club as a **[Position Name]**, hereby notify the Sierra Club that we:

- wish to enter into a voluntary and mutual consensual romantic relationship
- wish to continue a voluntary and mutual consensual romantic relationship previously disclosed on **[DATE]**.

We both understand and agree that we are both free to end the romantic relationship at any time. If the romantic relationship should end, we both agree that we shall not allow the end of this relationship to negatively impact our performance in our positions. Specifically, we, the undersigned employees, agree as follows:

- Our relationship is entirely voluntary and consensual.
- Our relationship will not have a negative impact on our work.
- We will not engage in behavior that might create a hostile work environment for one another or for others or that might make others uncomfortable.
- We will act professionally toward each other at all times, even after the relationship has ended.
- We will not participate in any decision-making processes that could affect each other's pay, promotional opportunities, responsibilities, performance reviews, hours, shifts or career, while in this relationship and after the relationship ends, if this occurs.
- We each agree that, if the relationship ends, we will respect the other person's decision to end the relationship and will not retaliate against the other person, engage in any unprofessional or inappropriate efforts to resume the relationship, or engage in any other conduct toward the other person that could violate the Sierra Club's Equal Opportunity policy, including its prohibitions against harassment, retaliation, and other inappropriate behavior.
- If and when this relationship ends, we will notify management to schedule a follow up meeting, which should happen as early as practical, but no later than five business days after the relationship ends. At this meeting, another follow-up meeting will be scheduled in two weeks, at which point it will be determined if further meetings are needed. The purpose of these meetings is to ensure that the Sierra Club is able to provide support and assistance to ensure that the change in relationship does not adversely impact the job satisfaction or work performance of either party or the working experience of others.

Prior to signing this Romantic Relationship Disclosure Form, we have received and reviewed the Sierra Club's EEO Policy, Dating Policy, and other policies related to interpersonal interactions. By signing this agreement, we acknowledge that the romantic relationship between us does not violate the Sierra Club's policies and that entering into the romantic relationship has not been made a condition or term of employment. This agreement and acknowledgment of the relationship will be kept confidential by the Sierra Club.

### Consensual Relationship.

Employee A (print name):

Employee B (print name):

Employee A (signature):

Employee B (sign name):

Date:

Date: