



BOARD OF DIRECTORS

RESOLUTION

ADOPTING A REVISED EQUAL OPPORTUNITY, NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY


WHEREAS, by Resolution #2008-007, the Legal Services Corporation ("LSC" or "Corporation") Board of Directors ("Board") adopted the *Code of Ethics and Conduct* ("Code of Conduct") to provide guidance to Board members, officers, and employees regarding the Corporation's expectations for standards of ethics and conduct, including prohibitions against discrimination and harassment, Code of Conduct Section XIII;

WHEREAS, on April 28, 2007, the Board adopted the LSC Employee Handbook to provide guidance to employees on, among other things, discrimination and harassment and reporting violations thereof; and

WHEREAS, Management has determined that the Corporation will benefit from a more comprehensive equal opportunity, non-discrimination and anti-harassment policy codified in a single location and that provides greater clarity and guidance to the Directors, officers, and employees, and recommends adoption of the attached Equal Opportunity, Non-Discrimination and Anti-Harassment Policy;

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Directors adopts the attached Equal Opportunity, Non-Discrimination and Anti-Harassment Policy and directs that the new Policy supersede any prior existing policies prohibiting discrimination and harassment policies.

Adopted by the Board of Directors
On July 22, 2014



John G. Levi
Chairman

Attest:



Ronald S. Flagg
Vice President for Legal Affairs,
General Counsel & Corporate Secretary

EQUAL OPPORTUNITY, NON-DISCRIMINATION, AND ANTI-HARASSMENT POLICY

1. Purpose

The Legal Services Corporation (“LSC”) is committed to providing equal employment opportunity in all of its employment programs and decisions. Discrimination in employment on the basis of any characteristic protected under federal, state, or local law is illegal and is a violation of LSC’s policy. The purposes of this policy are to prohibit and prevent discrimination and harassment in the workplace, encourage members of the Board of Directors (“Directors”), officers, and employees to report instances of alleged discrimination and harassment without fear of retaliation, and to provide procedures for reporting and investigating such activity.

2. Scope

This policy applies to all LSC employees, officers, Directors and third parties over whom LSC has control. Employees of the Office of Inspector General (“OIG”) are covered by this policy and included within the term “LSC officers and employees,” except as otherwise indicated. Any reference to “Directors” in this policy includes non-Director members of committees of the Board of Directors. This policy applies to all terms and conditions of employment, appointment or contracting, including, but not limited to recruiting, hiring, firing, transferring, promoting and demoting, evaluating, disciplining, scheduling, training, or deciding compensation and benefits.

3. Statement of Policy

Equal employment opportunity is provided to all employees and applicants for employment without regard to race, color, sex, age, religion, national origin, sexual orientation, personal appearance, political affiliation, pregnancy, genetic information, gender identity or transgender status, status as a victim of an intrafamily offense, domestic partner or familial status, marital status, matriculation, family responsibilities, source of income, place of residence or business, veteran status or active military service, or disability, or any other factor protected by local, state, or federal law (collectively “protected traits”).

In accordance with applicable federal, state and local laws protecting qualified individuals with disabilities, LSC will attempt to reasonably accommodate those individuals unless doing so would create undue hardship for LSC or if, with reasonable accommodation, the employee is unable to perform the essential functions of his or her position without posing a direct threat to the health or safety of the employee or other individuals in the workplace. Any applicant or employee who needs a reasonable accommodation to apply for employment or to perform the essential functions of his or her job should contact the Director of Human Resources (“HR Director”).

LSC is committed to providing a diverse and inclusive work environment free of discrimination and harassment, including sexual harassment. LSC strictly prohibits and does not tolerate discrimination and harassment by anyone regardless of the sex of the individuals involved. This policy applies to all discrimination and harassment, regardless of whether it is verbal, non-verbal, or physical, on the basis of a protected trait. Discrimination and harassment

are prohibited in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and LSC-sponsored events.

An employee, officer or Director who believes that he or she has been subjected to, or witnesses or becomes aware of, behavior that may violate this policy should promptly report the conduct in accordance with the procedures provided under Section 5 (Reporting Requirements and Procedures). LSC will not retaliate nor tolerate retaliation against any individual who, in good faith, reports or participates in the investigation of potential violations of this policy. LSC will take reasonable and appropriate remedial action to address violations of this policy, up to and including termination.

4. Definitions

Complainant: An individual who has alleged a violation(s) of this policy.

Discrimination: For the purposes of this policy, adverse treatment of an individual based on any protected trait(s) under applicable federal, state, or local law, rather than on the basis of his or her individual merit, with respect to the terms, conditions, or privileges of employment, appointment or contracting including, but not limited to recruiting, hiring, firing, transferring, promoting and demoting, evaluating, disciplining, scheduling, training, or deciding compensation and benefits.

Gender Identity or Expression: A gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth.

Genetic Information: Information about the presence of any gene, chromosome, protein, or certain metabolites that indicate or confirm that an individual or an individual's family member has a mutation or other genotype that is scientifically or medically believed to cause a disease, disorder, or syndrome, if the information is obtained from a genetic test.

Harassment: For the purposes of this policy, any unwelcome verbal, non-verbal, or physical conduct that has the purpose or effect of unreasonably interfering with an individual's work performance and/or creating an intimidating, hostile, or offensive work environment as a result of an individual's protected trait(s) under applicable federal, state, or local law. Examples of harassment include, but are not limited to:

- **Verbal** – Epithets, negative or derogatory statements, threats, slurs, comments, stereotyping, or jokes regarding a person's protected trait(s).
- **Non-Verbal** – Inappropriate gestures, distribution or display of any written or graphic materials, including calendars photographs, posters, cartoons, or drawings that ridicule, denigrate, insult, belittle, or show hostility or aversion toward an individual or group because of their protected trait(s).
- **Physical** – Assault, unwanted or inappropriate physical contact, including, but not limited to, pushing, slapping, poking, punching, shoving, blocking normal movement, or purposely bumping into an individual.

Marital Status: The state of being married or in a domestic partnership, divorced or separated (as such statuses are determined by applicable law), or the state of being single or widowed, and the usual conditions associated therewith, including pregnancy or parenthood.

Personal Appearance: The outward appearance of any person, irrespective of sex, with regard to bodily condition or characteristics, manner or style of dress, and manner or style of personal grooming, including, but not limited to, hair style and beards. It shall not relate, however, to the requirement of cleanliness, uniforms, or prescribed standards, when uniformly applied for admittance to a public accommodation, or when uniformly applied to a class of employees for a reasonable business purpose; or when such bodily conditions or characteristics, style or manner of dress or personal grooming presents a danger to the health, welfare, or safety of any individual.

Respondent: An individual alleged to have violated this policy.

Sexual Harassment: For the purposes of this policy, any harassment based on an individual's sex or gender. It includes harassment that is not sexual in nature (for example, offensive remarks about an individual's sex or gender), as well as any unwelcome sexual advances, requests for sexual favors, or any other conduct of a sexual nature, when:

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

Sexual harassment applies to males sexually harassing females or other males, and to females who sexually harass males or other females.

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

- **Verbal** – Epithets, derogatory statements, sexually degrading words to describe an individual, slurs, threats, sexually-related or suggestive comments or jokes; unwelcome sexual advances, propositions, suggestions, movement, or physical action; requests for any type of sexual favors; sexual innuendoes; lewd remarks; gossip regarding an individual's sex life; comments on an individual's body or dress; comments about an individual's sexual activity, deficiencies, or prowess; inquiring into an individual's sexual experiences; or discussion of one's sexual activities.
- **Non-Verbal** – Distribution or display of any written or graphic material, including calendars, posters, cartoons, or drawings that are sexually suggestive, or that show hostility toward an individual or group because of sex; suggestive or insulting gestures, sounds, leering, staring, and whistling; obscene gestures or content in letters, notes, facsimiles, and e-mail; or knowingly playing music with lyrics of a sexual or offensive nature.

- **Physical** – Unwelcome, unwanted physical contact, including, but not limited to, touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling or sexual assault.

Other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, or intimidating may also constitute sexual harassment.

5. Reporting Requirements and Procedures

A. Complaints by LSC Employees, Officers and Directors (including Employees of the OIG)

Any employee, officer or Director (including employees of the OIG) who believes he or she has been subjected to discrimination or harassment prohibited by this policy, or who witnesses or becomes aware of alleged discrimination or harassing conduct, except as provided for under Section 5.B. (Complaints Against OIG Officers and Employees), should promptly report, orally or in writing, the conduct to the director of his or her office, the General Counsel, the Vice President for Grants Management or the HR Director. If the report is made to anyone other than the HR Director, the person receiving the report will promptly communicate the report to the HR Director. The HR Director will consult with the appropriate supervisor(s) to ensure that immediate action is taken to stop any potential policy violations and prevent further potential policy violations while the allegations are being investigated.

The HR Director, independently or through his or her designated agent, shall conduct a prompt, thorough, and impartial investigation of all complaints (and may, in his or her discretion, engage external investigators to conduct an investigation of a report). The HR Director or designated investigator will consult with the complainant and respondent and interview all relevant identified witnesses or other parties. LSC expects all officers and employees to fully cooperate with any investigation conducted. The HR Director or designated investigator will conclude the investigation expeditiously and prepare a written summary of his or her findings and, if it is determined that a policy violation has occurred, the HR Director will prepare recommendations as to corrective action(s), commensurate with the severity of the offense, up to and including termination. If the HR Director's investigation is inconclusive or it is determined that there has been no policy violation, but some potentially problematic conduct is revealed, recommendations may be made for preventative or ameliorative action.

After the investigation is concluded, the HR Director will promptly meet with the complainant and respondent separately to notify them of the findings of the investigation and the action being recommended. In the event the complainant or the respondent wishes to appeal the HR Director's findings and/or recommendations, he or she may submit a written appeal to the President within ten (10) business days after meeting with the HR Director.

If the alleged discriminatory or harassing conduct involves the HR Director, the complainant should promptly report the conduct to the Ethics Officer. The Ethics Officer will conduct a prompt, thorough, and impartial investigation of a report and will render a written summary of his or her findings and, if it is determined that a policy violation has occurred, recommend corrective action(s) to be taken.

If the alleged discriminatory or harassing conduct involves the LSC President or a Director, the HR Director will conduct a prompt, thorough, and impartial investigation of the complaint and will render a written summary of his or her findings and, if it is determined that a policy violation has occurred, recommend corrective action(s) to be taken to the Board. The LSC President, a Director or the complainant may submit a written appeal to the Board of Directors within ten (10) business days of receiving the HR Director's written decision. The Chairman of the Board will promptly refer the appeal to the Governance and Performance Review Committee for a recommendation regarding the Board's action. The Committee will review the appeal and make a recommendation to the Board. The Board will then consider and act on the recommendation. Consistent with the provisions of the LSC Act, 42 U.S.C. § 2996c(g), and 45 C.F.R. Part 1622, consideration and action by the Committee and Board regarding an appeal may be held in closed session. The Chairman of the Board will notify the HR Director of the Board's decision and any action taken for purposes of record-keeping.

B. *Complaints Against OIG Employees and Officers*

Any employee, officer or Director who believes he or she has been subjected to discrimination or harassment by an employee or officer of the OIG prohibited by this policy, or who witnesses or becomes aware of alleged discrimination or harassing conduct by an employee or officer of the OIG, should promptly report, orally or in writing, the conduct to the director of his or her office, the General Counsel, the Vice President for Grants Management, the HR Director, or the Inspector General. If the report is made to anyone other than the Inspector General, the person receiving the report will promptly communicate the report to the Inspector General. The Inspector General will take immediate action to stop any potential policy violations and prevent further potential policy violations while the allegations are being investigated.

The Inspector General or his or her designee shall fully investigate all complaints (and may, in his or her discretion, engage external investigators to conduct an investigation of a report). The Inspector General or designated investigator will consult with the complainant and respondent and interview all relevant identified witnesses or other parties. The Inspector General will conclude the investigation expeditiously and prepare a written summary of his or her findings and, if it is determined that a policy violation has occurred, the Inspector General will determine the corrective action(s) to be taken. If the Inspector General's investigation is inconclusive or it is determined that there has been no policy violation, but some potentially problematic conduct is revealed, preventative or ameliorative action may be taken. After the investigation is concluded, the Inspector General or his or her designee will meet with the complainant and respondent separately to notify them of the findings of the investigation and the action being recommended.

If the alleged discriminatory or harassing conduct involves the Inspector General the complainant or LSC official to whom a complainant has made an initial report should promptly report, orally or in writing, the conduct to the Assistant Inspector General for Investigations or the OIG Ethics Officer. All such reports will be referred to the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency ("CIGIE Integrity Committee") for review and investigation (if warranted) in accordance with the provisions of § 11(d) of the Inspector General Act of 1978, as amended ("IG Act"), and the policies and procedures of the CIGIE Integrity Committee promulgated thereunder. Where an investigation is conducted by or

under the purview of the Integrity Committee, a report, including recommendations of the CIGIE Integrity Committee, will be forwarded to the Board of Directors for resolution. The CIGIE Integrity Committee is also required to provide a summary of the report and recommendations to designated committees of the Senate and House of Representatives. 5 U.S.C. App. § 11(d).

If the alleged discriminatory or harassing conduct involves a senior employee of the OIG (e.g., an Assistant Inspector General or other employee who reports directly to the Inspector General), the Inspector General will make a determination as to referral and investigation of the allegation(s) in accordance with the provisions of § 11(d) of the IG Act and the policies and procedures of the CIGIE Integrity Committee.

C. *Complaints Against Employees, Officers or Governing Body Members of Recipients*

Any employee, officer or Director (including employees of the OIG) who believes he or she has been subjected to discrimination or harassment prohibited by this policy by an employee, an officer or a member of the governing body of a recipient of LSC funds, or who witnesses or becomes aware of alleged discrimination or harassing conduct, should promptly report, orally or in writing, the conduct to the director of his or her office, the General Counsel, the Vice President for Grants Management or the HR Director. If the report is made to anyone other than the HR Director, the person receiving the report will promptly communicate the report to the HR Director.

The HR Director will promptly communicate the report to the Executive Director of the recipient or, if the report involves the Executive Director, to the chair of the recipient's governing board. The HR Director will request that the recipient promptly investigate the report, consistent with the recipient's Equal Opportunity and Sexual Harassment Policy required under LSC's Grant Assurances. The HR Director will request the recipient to prepare a written summary of the recipient's findings and any follow-up actions the recipient has taken or proposes to take. LSC reserves the right to take further action, including conducting its own investigation, following receipt of the recipient's report.

6. Confidentiality

Reports of alleged discrimination and harassment may be submitted on a confidential basis. LSC will maintain confidentiality to the extent possible, consistent with a thorough investigation. Information received and the privacy of the individuals involved will be disclosed only as reasonably necessary for purposes of this policy or when legally required; however, confidentiality is not guaranteed.

7. No Retaliation

LSC prohibits retaliation against individuals who report or allege violations of this policy, or who are involved in the investigation of potential policy violations. An individual who makes a good faith report of what he or she believes to be violations of this policy; participates in the investigation of potential violations of this policy; or files, testifies, assists, or participates in any manner in any investigation, proceeding, or hearing conducted by a governmental enforcement agency will not be subject to reprisal or retaliation, including but not limited to, termination, demotion, suspension, failure to hire or consider for hire, failure to give equal

consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions or otherwise denying any employment benefit. Any person found to have retaliated against an individual for reporting a violation of this policy or for participating in an investigation of allegations of such conduct will be subject to appropriate disciplinary action, up to and including termination.

Contact the HR Director if you have any questions or concerns regarding this policy or if you believe this policy may have been violated.

Revised and Adopted by the Board of Directors on July 22, 2014