Executive Summary of Recommendations

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Introduction

This Executive Summary was prepared by Ramona Strategies to relay the substance of the Recommendations to the broader set of stakeholders that make up the Sierra Club community. Ramona Strategies exercised control over the scope and substance of this Executive Summary at all times.

About the Restorative Accountability Process

In the summer of 2020, public allegations surfaced that a celebrated former employee and then-current Volunteer Leader had raped a Sierra Club employee when he was her boss; others came forward to share similar experiences of inappropriate and degrading experiences with that same man. Those reports prompted not only a targeted investigation of his tenure at the organization, but also this broader Restorative Accountability Process. This Restorative Accountability Process was commissioned to help the organization rise to the challenges that confront it in this definitional moment.

The opportunity to participate in the Restorative Accountability Process was extended by the Club through a series of emails from Leadership directed at both staff and volunteers. No one who expressed an interest in participating was turned away. Most interviews were conducted between September 2020 and January 2021, although a few interviews happened outside of that time frame. Individuals were under no obligation to contribute to the process; however, between unsolicited participants and those organizational representatives to whom we reached out to directly, members of the Office of General Counsel, the Human Resources Department, the Chapter Services Department (also known as "Office of Chapter Support"), the Volunteer Accountability Working Group (also known as the "Volunteer Accountability Process Reform Team"), and some individuals in union leadership spoke with us to explain more about the details of the processes used for complaints, investigations, and resolutions and to explain recordkeeping systems and materials related to prior issues.

Participants in the interviews were not guided to any particular perspectives, conclusions, themes, or narratives; in general, we encouraged participants to share what they thought was important to be known and then we listened. We did not ask participants to comment on information or perspectives shared by others, and we did not engage in cross-examination. However, we did probe for details, and we did listen for corroborating factors across interviews. To the extent that the Process identified individual matters that require investigation and/or further intervention, those individual matters were relayed to the teams that handle Employee and Volunteer Relations ("EVR")[1] in a manner that protects the anonymity of the participants and the confidentiality of the Process but also ensures the organization is attending to those situations.

[1] Currently, individuals tasked with cultivating a values-aligned culture and preventing and addressing culture concerns work in a scattered series of departments and teams – including but not limited to the formally-identified Human Resources, Chapter Services, Volunteer Accountability, Equity Department, Training, etc. Throughout this report, we will refer to these collective efforts under the umbrella term of Employee and Volunteer Relations" or "EVR," as it is traditional that they not be treated as disparate pieces but instead as parts of a whole.

Nearly sixty individuals – with a total of more than 400 years collective experience with the organization – provided information as a part of this Process.[2] In addition to conducting the interviews, we reviewed hundreds pages documentary evidence, including emails, text messages, and other documents provided by participants; Sierra Club policies, protocols, powerpoints, memos, and training materials; records from both internal and external Equal employment Opportunity ("EEO") investigations; information related to the work of the Volunteer Accountability Working Group; and information from other internal culture efforts, including survey materials. We also interacted with more than seventy-five current managers and senior leaders in a series of small-group anti-harassment trainings and workshops, and we have incorporated what we learned through those interactions into our review.

There are three key themes around which the Recommendations were organized:

- Build, Empower, and Resource a Centralized People Function
- Professionalize Management
- Demonstrate Leadership Through Action

Within each of these three themes, you will find 13 itemized recommendations, along with a range of supporting observations and underlying guidelines, considerations, and sub-recommendations.

We acknowledge that, in the past few years in particular, the organization has initiated efforts to begin to engage some of the concerns discussed herein. Through this Process, we had greater insight into some of those efforts – e.g. reforms already underway to expand the EVR department and the ongoing efforts around volunteer accountability – while others we are aware of but did not have significant interactions in or around – e.g. the Structural Assessment Process. The Recommendations herein are drafted to identify what principles, strategies, or guidelines need to be implemented, including where those recommendations may overlap with, echo, or otherwise direct or redirect efforts already underway.

[2] Additional individuals expressed an interest in participating but did not. Some indicated that they decided not to participate because of concerns regarding confidentiality; some indicated that it was too painful to revisit these memories; others did not provide a reason for deciding not to participate. Approximately twenty individuals who established initial contact ultimately did not participate. We heard reports of others who were considering participation but who ultimately did not reach out, reportedly based on concerns regarding confidentiality and/or the pain of revisiting these memories.

Build, Empower, and Resource a Centralized People Function

1. Centralize, streamline, and properly resource an internal team to respond to culture concerns.

The Sierra Club should immediately act to centralize, streamline, and properly resource a team to respond to culture concerns. With a staff approaching 900, a set of approximately 4,000 Volunteer Leaders, and a volunteer base drawing from 64 chapters and approximately 350 groups, the current model is plainly insufficient, particularly for an organization that professes a commitment to equity and inclusion. Having different departments and processes depending on who the alleged bad actor and/or victim are is inefficient and counterproductive. Whatever the reorganized people function is called, it should attend to the full range of people development and internal culture concerns – including those affirmative aspects of culture building like Equity and Training.

The organization cannot attempt to separate out "volunteer" issues from "employee" issues, both because the issues are rarely that starkly separated and because of the significant inefficiencies and opportunities for error in such a disaggregated or bifurcated system. Thus, any reorganization and redesign will need to ensure that the efforts underway in teams such as Chapter Services (to the extent that they continue to deal with culture-related concerns) and Volunteer Accountability are enveloped into the newly-designed people function. The charge of this department should, first and foremost, be the creation and maintenance of a safe, supportive, equitable, and inclusive Sierra Club, even and especially where that might complicate or run counter to a goal of placating or otherwise maintaining positive ties with chapters or volunteers. The organization has both legal and moral obligations to attend to on this front.

To implement this and related recommendations, the organization is likely going to need to increase significantly the staffing for this new people function – although it is possible that through reorganization, sufficient headcount may exist. If mediations or other restorative processes are going to be used, the size of the organization and the repetitive nature of many of the challenges faced suggest that hiring and/or training internal staff to take on those responsibilities makes sense. The organization is most certainly going to need to hire a senior individual to attend to the transformation and to build out of this people function over the next few years. The scale of this undertaking is too large to assign to any current positions of which we are aware.

2. Revamp investigations and empower a senior, centralized, trained Resolutions Team.

Based on our review, including of investigations and conversations with those stakeholders charged with responding, some of the Sierra Club's under-response to those concerns brought to its attention was attributable, at least in part, to complainants not using the "right" key words (like 'discrimination' or 'harassment') and instead describing their concerns in non-legal and more colloquial terms. It is vital to understand that, in addition to victims and complainants often not knowing the "right" terms to utilize, it is also true that a reluctance on the part of victims to offer the most severe details can also be attributed to the emotional, physical and mental toll that recounting these experiences can take. For these reasons, processes that attempt to classify the severity of what is being reported, including any processes that attempt to make determinations about whether something should be investigated at all, are insufficient – creating the opportunity for serious problems to go un- or under-addressed. This is particularly true where investigations are then constrained in terms of scope, resources, or time.

While not always the case, it was often true that those preyed upon were "vulnerable" individuals who had less societal privilege and positional power – those who were least likely to know, understand, trust, or maneuver internal reporting structures and least likely to be believed, trusted, or seen as a high-priority to be retained. Again, while not always the case, many of those reporting the most serious concerns experienced mistreatment that played not just on their gender but also their race and other factors about their identity (sexual orientation, ability, etc.). Systems or approaches that try to draw clean distinctions between the ways identity-based mistreatment manifests in the workplace artificially constrain the lived experiences of those being harmed and can result in solutions or efforts that are inherently incomplete because of the bifurcations.

The organization must ensure that it does not pick and choose what it investigates or treats as potentially serious. Investigations should be handled internally in most circumstances by a well-trained and professionalized staff who are not also expected to handle a multitude of other obligations. Moreover, who leads investigations and how those investigations are led should not differ or depend on volunteer/employee role differences.[3] To this end, the organization should look closely at the budget expenditures that currently go to hiring outside investigators, lawyers, mediators, facilitators, and other individuals providing "investigative" and/or "restorative" processes on individual matters.[4] Whether conducted internally or externally, investigations should be under the direction and control of a Resolutions Team.

Specifically, moving forward, a senior talent official (usually the head of the people function, such as a Chief People Officer), a senior legal official (usually the head of the legal function, such as the Chief Legal Officer/General Counsel), and one other senior, internally-facing role

[3] We flag that this is based on the organization's explicit and affirmative choices to extend the protections and privileges afforded to employees under law to volunteers. Not all organizations, even those with large volunteer involvement, make the same choice.

[4] Those dollars do not seem to be generating the same return on investment that cultivating internal capacity could. Both Leadership and the Board needs to determine what changes they need to make to ensure that there is consistent, values-aligned advice being provided regarding the risks and opportunities in culture-related concerns.

should make up a Resolution Team that assesses all investigations and makes determinations on appropriate corrective actions.

Decision-making control over investigations and corrective actions must sit exclusively with the Resolution Team. Those in the management line of the alleged bad actor cannot be allowed to be involved beyond serving as witnesses where appropriate; otherwise, inefficiencies, inequities, and general instability will continue in the system. Line managers cannot be allowed to try to "handle issues themselves" – however much that impulse may have come from a good place and may have actually been a victim's best shot at meaningful resolution in the past. Access to information about complainants, witnesses, or the details of investigations should not be provided to managers or Senior Leaders beyond the minimum needed to ensure sufficient implementation of corrective actions.

Abdicating control or responsibility for resolutions involving volunteers who are the bad actors seems to be inconsistent with mandates imposed on employers regarding the treatment of their employees and is grossly inconsistent with the articulated values of the organization. Wherever possible and to the greatest extent allowed by law, the Resolution Team should be empowered to determine the appropriate corrective actions or interventions for volunteers, just as for employees. To the extent that the organization determines it is legally-required (or pragmatically necessary at this moment in its history) to have a panel of the Board continue to weigh in on volunteer accountability matters, the scope of the kinds of corrective actions on which the Board Panel oversees should be defined narrowly (e.g. only revocation of membership but not on the privileges of leadership or other benefits that might go beyond basic membership) and every effort should be made to structure a system where the Board Panel is able and willing to rely upon and defer to the oversight and expertise of the Resolutions Team.[5] As the organization addresses these issues, it must keep in mind that the scale of the organization and its formal legal obligations are not insignificant.

Finally, the Resolution Team and the people function should take responsibility for overseeing the implementation of corrective actions to ensure that they happen and happen in a systematic and purposeful way; implementation of corrective actions and the sourcing of resources for those corrective actions cannot be left to line management, regardless of whether those managers are employees or volunteers.

[5] A model akin to the relationship of an appellate court to a district court might be useful, particularly to the extent that the appellate court does not conduct its own investigation or review of the facts but instead concerns itself with verifying that an agreed-upon process was followed, that the Resolution Team made its decisions consistent with how it has approached matters in the past or intends to approach matters in the future, and that there is no credible reason to worry about personal interest or vendetta on the part of the investigation or Resolution Team.

3. Update, clarify, and strengthen values-aligned policies and practices.

The Sierra Club should immediately amend its policies around inappropriate behavior, harassment, and discrimination and the policies and procedures that will govern how the organization responds to problems when they arise. Rather than providing processes that are arduous, complicated, and unlikely to generate resources or support or solutions, the Sierra Club needs to take the steps necessary to earn back the trust of its stakeholders through meaningful and carefully-articulated policies and procedures, where expectations are clear and timelines and benchmarks are provided. The Sierra Club must stop making artificial distinctions between "formal" and "informal" reporting or otherwise imposing formal requirements that complainants must meet before the organization engages to investigate and address concerns.[6] Stakeholders must be given a reason to believe that engaging with the organization is neither "risky" nor "pointless."

Clear criteria and definitions must be set for whether, when, and how processes like mediations and restorative processes are used, and they must never precede or supplant actual investigations. Protocols, timelines, and templates should be established to govern all investigations. Anonymous reporting channels should be established and fully rolled out to staff and volunteers.[7] Confidentiality for the victims, witnesses, and alleged bad actors in investigations must be provided in practice, not just in word.

Robust anti-retaliation measures should be instilled. We heard multiple experiences where bad actors themselves or those who "supported" or "sided with" bad actors actively took steps to punish those who complained or otherwise assisted in bringing concerns about their conduct to the fore. Reforming the organization's approach to preventing retaliation includes taking the necessary steps to incentivize and encourage speaking up and speaking out, to train management and staff on what can constitute retaliation, and to staff sufficient EVR personnel to do affirmative anti-retaliation checks after investigations have concluded – during which there can and should also be affirmative checks that the problematic behavior has not resumed.

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[6] We were apprised of multiple situations where individuals had sought out help from the various EVR-like departments and then were told they needed to do more "formally" before the organization would treat it as a matter meriting response. For many, this felt intimidating and overwhelming and led them to back down or away. In multiple instances, they knew themselves or were told by the Sierra Club that others had also voiced concerns but had also not made it "formal," so the organization was waiting to act.

[7] We include volunteers because the organization has made a determination that it wants its culture protections to govern volunteers.

4. Commit to holding individuals accountable.

Actual accountability in the form of real consequences must be instituted; it may be that "no one wants to make hard decisions or be the bad guy" but that is explicitly and implicitly what is required of Leadership, particularly for an organization of this size. Interventions and corrective actions should not burden the victim or hinder their opportunities or career; no longer can "solutions" be ones that depend on "moving [the person who raised a concern] to a different manager," team, or project. If an individual engages in problematic-enough behavior that lives or careers need to be reshaped, it is the bad actor and not the victims or witnesses who should experience any such disruption.

There was a pervasive sense that Management (staff and volunteer) and Leadership (at national and on the Board) regularly alter or dictate outcomes based on the identity of those involved: that having access to and favor from key leaders insulated individuals from consequence.[8] "Tenure," "prior performance," "being well-liked" and "having a big reputation" were all reasons offered for why some individuals seemed to regularly evade consequence. Feedback indicated that even well-known misdeeds of certain individuals have both historically and currently been overlooked, minimized, or tolerated because of their contributions to the organization or the movement. Reports indicate that this minimization and toleration took many forms, including allowing bad actors to remain in/with the organization in other positions, to continue involvement with the organization in different capacities, or to message their exit internally and externally as being voluntary and amicable so as to facilitate their ongoing success in the movement.

It is important to remember that failing to deal with bad actors with sufficient intervention can have long-standing implications for the organization and its staff. Failure to meaningfully address bad behavior and instead rely on "work-arounds" ends up costing a tremendous amount of time and energy and can result in significant costs to the organization's health, effectiveness, and reputation.

Moreover, when bad actors were relocated or otherwise were allowed to dictate or influence the nature of an investigation or the terms of their consequences (including allowing problematic individuals to "leave in a way that allows them to save face"),[9] those individuals who had reported them drew the reasonable conclusion that Senior Leadership counted the complainants as less valuable, less important, and fundamentally less worthy of protection than the bad actors who behaved inappropriately. At the same time, feedback indicates that predominantly white older men (and sometimes women) were more likely to be excused for their bad behaviors or otherwise given multiple chances to "change" or "improve" – particularly when that bad behavior was directed against predominantly younger women, women of color, queer people, and other societally-marginalized groups.

[8] The result is a disempowered EVR/investigative function, and it is neither fair nor logical to judge EVR's effectiveness or professionalism based on outcomes and processes over which they may have had limited control. As noted above, there is a widely-shared sense that EVR has little to no power in determining outcomes.

[9] Reports indicate that influencing happened both directly and through advocates and allies of individuals accused of bad behavior.

This is, in and of itself, problematic, but it is also important to remember that there are consequences for other employees and volunteers when an organization chooses to prioritize and placate bad actors. When an organization is too reluctant to impose meaningful accountability, it is making the choice to expose other employees and volunteers to the risk (or likelihood) that they too will have their own experiences and opportunities marred, sometimes severely.

5. Develop and implement a robust internal tracking and monitoring system.

In addition to the centralizing and empowering of a people function discussed above, meaningful internal tracking mechanisms must be put into place, including for those matters that do not result in serious interventions or corrective measures.[10] Careful records regarding corrective actions and interventions must also be kept in a centralized fashion and reviewed periodically to ensure consistency and to check against unconscious biases. The Sierra Club should be able to be confident that grounding decisions on corrective actions in a "commitment to learning and growth" does not disproportionately advantage those with the most societal privilege and organizational power while disproportionately burdening those with the least societal privilege and organizational power.

The Sierra Club should be able to be confident that a "commitment to learning and growth" does not disproportionately burden those with the least societal privilege and organizational power.

These systems should also ensure that individuals who have previously been identified as engaging in persistent bad behavior are not subsequently placed into leadership positions (volunteer or staff) or hired into permanent positions unless and until the organization has satisfied itself that those behaviors have been thoroughly addressed and will not resurface.

Further, the people function should be prepared to report up to Senior Leadership about key metrics around the receipt and handling of concerns and complaints. Such reporting should happen on a regular basis and metrics provided might include:

- Number of complaints received
- Number of open/unresolved matters
- Length of time from complaint to first contact from the people function
- Average length of investigation/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/no reoccurrence checks

By receiving this information, Senior Leadership can ensure that sufficient attention and progress is being made and then maintained.

[10] The number of concerns we were told are being handled by the various EVR functions is in no way captured by the current tracking system. As many of the stakeholders who are tasked with addressing culture issues acknowledged, much is not reflected in the existing systems.

6. **Sufficiently communicate out and train all stakeholders on the changes around accountability and culture.**

Currently, there are widely divergent reports and understandings regarding what participants (and those charged with implementing policies) understood the applicable policies were, how those policies applied to or shaped investigations, and how decisions were made regarding findings and next steps. Updating the policies and procedures per the above will be of limited value if there is not a robust and comprehensive communication and training effort to accompany it. This is especially true because here, the organization is seeking to undo the prevailing institutional wisdom that omits EVR as a primary source of help, where it is far preferable to ignore problems, devise one's own solutions, or go directly to the union for assistance.[11] To reset these habits to a safer and more productive model, the Sierra Club is going to need to ensure staff (a) understand what policies and procedures apply to reports and investigations, (b) experience these procedures and protocols being implemented consistently, and (c) can trust that resolutions will be assigned fairly. Training and clear communication is necessary to accomplish all of these goals.

Individuals tasked with conducting investigations and with deciding resolutions must be trained on the new policies, protocols, and procedures. Management (whether staff or volunteers) must be trained regarding their responsibilities regarding culture concerns under the law, under the Sierra Club collective bargaining agreements, and under the revamped policies and procedures. Staff must be trained regarding their rights and options under the policies. The Board would be wise to be trained on the obligations and liabilities that accompany Board service – particularly where, as here, the Board exercises such a high degree of control and involvement in culture matters. And, in light of the nature of the relationship between volunteers and staff, the Sierra Club should consider what method make the most sense to communicate the options volunteers have for raising complaints and seeking the protection of the organization.

[11] We heard multiple reports that the unions have attempted to take on traditional EVR roles, including trying to coordinate and conduct investigations and to determine whether and when to try and engage leadership. *See* the section on "Reset the organizational relationship with the unions" beginning page 18 for more information.

❋ Professionalize Management

7. Evaluate how lines of authority and reporting are structured and make changes where necessary – particularly around delegations of authority to volunteers.

The Sierra Club must recognize and engage with the ways in which reporting structures have significant implications for whether and to what degree the organization is going to be able to live its values. Many organizations find after periods of rapid growth that, in their rush to accommodate that growth, they have not attended to decisions about how to build management and leadership structures with sufficient care; the Sierra Club is not alone in this respect. The solution is two-fold, organization seeking to remedy this problem must: (1) assess, with a careful eye to considerations of how to best professionalize their management structures, whether there are some reporting lines that need to be remodeled and then make changes where necessary, and (2) provide robust training where the existing model is fine but the people in it need further development.

All stakeholders should be able to trust that the organizational chart and lines of authority reflect legitimate and reasoned decisions made about institutional priorities and the best ways to achieve those priorities and that those in management or decision-making positions understand and will be held accountable for how they will execute those responsibilities. With respect to the management structures in place at the staff level, the Sierra Club should assess the organizational need from each managerial/leadership role – including managerial skill and understanding/alignment to the cultural transformation underway – and then take steps to either place the right people or train up the people in those roles.

It is our strong recommendation that the organization no longer delegate managerial responsibility to volunteers.

In contrast with those managerial structures that are formally staff, it is difficult to see a reliable manner to achieve this with Volunteer Leaders being delegated managerial authority. It is our strong recommendation that the organization no longer delegate that responsibility to volunteers; all employees should be managed by and subject to the oversight of individuals also under the organization's clear control and direction as employees. There is no other way we can see and no other model of which we are aware[12] that would allow the organization to be certain of its ability to comply with the vast network of EEO laws or of its ability to live its values around diversity, equity, and inclusion.

[12] Although there are many "volunteer-led" organizations in the country, we are unaware of any that incorporate or defer to volunteers to the degree that the Sierra Club does. We are unaware of any organization that has delegated management authority to volunteers. We are unaware of any organization that has embedded "volunteer leaders" to act as functional co-directors of campaigns and projects to exert influence and control over staff in the ways that Sierra Club currently does. For reference, we work and have worked closely with a range of large organizations that have membership and/or chapter models; while they do meaningfully incorporate volunteers into decisions around priorities and strategic direction, volunteers are not empowered to exercise control on the execution or day-to-day operations of those organizations.

8. Educate Management and Leadership about the realities of how inappropriate behavior, identity-based mistreatment, harassment and abuse manifest in the workplace.

It became clear that various misperceptions about how sex-based harassment and sexual assault play out in and around the workplace contribute to some of the Sierra Club's problems. Three misperceptions stood out: (1) that sex-based harassment and discrimination will be easily distinguishable from "personality conflicts" or other lesser concerns; (2) that honest victims of harassment and assault will be willing or eager to share what happened to them when "given the chance;" and (3) that processes and efforts around sex- or gender-based mistreatment can be separated from processes around other identity-based mistreatment.

One of the most prevalent themes we heard was that there was generally a culture at the Sierra Club that tolerated, excused, or failed to correct those managers and leaders who regularly displayed anger and aggression – yelling, berating, shaming, and otherwise demonstrating unprofessional and abusive behavior in the workplace. It became clear that many of these individuals were well-known for engaging in this behavior and that nothing was done to meaningfully curb the behavior. When conduct like this is allowed to persist, the organization sends a message about what sorts of abuses it expects its employees and volunteers to suffer as a part of working with the organization. That, alone, creates the environment where it is less likely that victims will seek out help through reporting structures. In addition, as is regularly true in other organizations as well, we learned that at least some of these individuals tended to direct their rage or aggression more heavily toward women, people of color, members of the LGBTQ community, or intersections of those identities.

The reality is that it is rarely easy to identify without an investigation the nature or the severity of the problem at hand. What may be assessed to be "personality conflicts" or "just poor manager behavior" by those managers and leaders who become aware of the problem can, in actuality, be just the most visible indicia of identity-based harassment, abuse or discrimination. In addition, because of the perceived or actual power and influence of bad actors, victims often choose not to complain and publicly can appear to tolerate or accept conduct that is personally and privately devastating. Thus, tolerance shown for behavior that is believed to be unprofessional or undesirable but not necessarily illegal only works to make it less likely that victims speak up, and their silence or acquiescence should not be taken to as indicative of the severity of the situation.

Moreover, because of the possible repercussions for those who report harassment and assault, victims/survivors are often reluctant to come forward; when they do, it is not uncommon for them to share the less intimate and painful details first. This can be to measure the response for risk/benefit – to see whether meaningful change will come from their seeking help and what penalties they will pay for seeking that help. Where, as here, there are perceptions that "nothing will happen; nothing would change" and that anyone reporting could be subjected to censure, it is less likely for the full scope of the problem to become apparent, especially initially. We heard numerous stories where people did attempt to flag concerns or seek help but found that the Sierra Club failed to respond or to respond with any urgency and so gave up before sharing more/everything.

To bring this point into clear view, in this Reconciliation Process, some of the earliest narratives shared seemed to be routine. Had we closed discussions there, the assessment of the scope and scale of the situation could not have been more inaccurate. Here, as is so often true, the most upsetting narratives were not shared until the eleventh hour.

It is vital that all managers and leaders (including any volunteer leaders) be trained regularly to understand the links between "lesser concerns" around "mismanagement" or "bullying" or "yelling" and the creation of an environment that fosters abuse. In more than one situation, we heard accounts that verified bad behavior – at least at lower levels – was widely known about individuals who perpetrated much more serious harm than was widely discussed. In two of these situations, the more serious harm included multiple instances of assault. It is possible that most of the managers at the Sierra Club who knew of the "general bad behavior" did not have any direct knowledge of the scope of these bad actors' conduct. But therein lies the problem with tolerating "minor" violations; a standard is set for both the abuser and the abused that complaining isn't worthwhile and that the individuals perpetrating the bad acts are right to proceed with entitlement and impunity.

All managers and leaders must be trained about what is and is not reasonable to expect about how reports are made regarding sexual assault, harassment (whether tied to gender, race, or other identity-based characteristics) and other discriminatory or inappropriate behaviors. Managers must be trained to understand their roles and responsibilities when they have team members in these situations – something that nearly every manager we interacted with indicated they did not know or understand, even after asking, in some circumstances, for clarity or guidance from Sierra Club's EVR. These trainings should explore what the organization and the managers who act as agents of Sierra Club can and should do to make it less likely that bad behavior is missed or dismissed, more likely that problems are identified for investigation and treated with sufficient urgency and seriousness, and less likely that individual employees or volunteers expect that suffering mistreatment or abuse is just a part of working at the Sierra Club.

9. Equip Management to create safe, supportive, inclusive environments.

Even the most well-intentioned managers will not succeed in creating safe, supportive, and inclusive environments if they are not trained on how to actually manage.

Adequate training of management is perhaps the single most important factor in affirmatively cultivating an equitable and inclusive culture and in preventing inappropriate behavior, harassment, and discrimination. A lack of professionalized management leaves individuals without the tools to set all team members up for success and reinforces systems that credit and advantage those who already hold more privilege. This, in turn, creates team environments that disproportionately burden women, people of color, and others with marginalized identities and leaves those with less privilege more vulnerable and more likely to see leaving rather than reporting as the reasonable next step.

Adequate training of management is perhaps the single most important factor in cultivating an equitable and inclusive environment.

Without adequate training, problems are likely to manifest in three main ways, all of which we heard about in this process: (a) how managers normalize either supportive or abusive environments (discussed above); (b) how managers make selections for opportunities or for roles; and (c) how managers support or undermine their teams in the execution of their responsibilities. These concerns were, unsurprisingly, particularly acute where Volunteer Leaders exerted direct managerial control or indirect managerial influence, but they were by no means isolated to or even predominantly attributable to the volunteer context. It became clear that numerous individuals empowered to act as managers by the Sierra Club did not know or care to use best practices around the selection or assignment of individuals to opportunities or roles around fair and effective delegation and feedback practices, or the creation of team environments that create the psychological safety[13] necessary for individuals to feel empowered to speak up and speak out – about policy, strategy, or mistreatment.

[13] "Psychological safety" is a term used by researchers to capture and measure a byproduct of truly inclusive workplaces where individuals feel safe being themselves and expressing their ideas and opinions. Inclusivity brings many benefits, not the least of which is an organization that is less likely to have pervasive problems of harassment and abuse go unaddressed for long periods of times. The immune system of an inclusive workplace is stronger, more attuned to identifying disease, and better able to return to a healthy state quickly and with minimal disruption.

10. Hold Management accountable for creating safe, supportive, inclusive environments.

Even where individual managers were identified as having the serious deficits in these areas, there was no centralized system by which the Sierra Club could provide the training and support necessary.[14] Organizations who are successful at creating and maintaining the culture to which they aspire are ones that recognize the prevention of inappropriate behavior cannot be divorced from the response to inappropriate behavior. Having robust training mechanisms – usually provided through a combination of in-house services and contracts with external vendors – is one of the three necessary foundational elements for intentional culture creation and maintenance (the other two being having clear accountability for management and DEI obligations in the performance management process and having a functional EVR system to respond to problems when they arise).

To the extent it is not already an explicit part of the performance management process, the organization should ensure that all managers are assessed on their execution of basic management skills and are assessed on how they attend to their affirmative obligations around diversity, equity, and inclusion. The best systems regularly collect targeted, confidential upward feedback on how managers are performing core management skills as a standard part of the performance management process.

[14] Please note that in most well-run organizations, all of these elements would be handled by an integrated people function, rather than spread across various departments; it is our recommendation that all these concerns be centralized into the streamlined department tasked with handling all employee and volunteer relations matters.

Demonstrate Leadership Through Action

II. Reset the organizational relationship with its volunteers.

The organization's relationship with its volunteer members is – to our knowledge – unique for an organization of the Sierra Club's size, particularly with respect to the degree to which volunteers are embedded and empowered in day-to-day operations, the ways in which volunteers have been allowed to manifest open hostility towards staff as a part of power struggles, and the degree to which the focus seems to be on volunteer rights to the exclusion of volunteer responsibilities. Changes must address the extensive feedback that indicated: that volunteers are not held accountable; that leaving things to the chapters results in systems that protect the powerful and abandon the vulnerable; and that the wellbeing of staff is never treated as a priority.

We understand individuals have sought to balance discussions around volunteer rights with those of responsibilities as well and to introduce the kinds of measures that are common in other organizations – having volunteers be required to sign forms upon joining about codes of conduct, imposing certain standards against which Volunteer Leaders[15] who interact with national might be measured, requiring training for participation in Volunteer Leadership or advisory interactions with National, being more proactive to ensure that Volunteer Leaders don't misuse or abuse the communications and information to which they currently have access. But we also heard each of those suggestions or attempts failed to move forward, either because of explicit opposition, articulation of amorphous concerns about implementation, or inattention. We are unaware of insurmountable hurdles that would preclude the articulation and implementation of standards that would govern volunteer interactions – either as a condition of membership, or more easily yet, as a condition of any leadership privileges.

It is important to remember that the dangers that accrue from failing to address toxicity coming from volunteers also harms other volunteers, particularly those who might be newer to the organization and the movement and whose identities are not societally privileged. We heard multiple accounts of volunteers who are women and/or people of color bearing the brunt of the fact that "opposition to equity work is coming from Chapter Leaders." As one participant observed:

> "So long as they stay members, they have ALL the rights and privileges… Volunteers are seen as invincible, that they are above accountability… If we had a volunteer out there molesting children? I'm not sure the Sierra Club would even be able to deal with it. They certainly can't handle discrimination. This is going to tank the Club. And in the meantime, they are going to have turnover and all these problems."

It is incumbent upon us to flag that concerns about risks to children are not merely hypothetical. The organization has significant interactions with young people, often in situations where abuse might more easily occur. With limited safeguards in place governing the responsibilities of volunteers, those risks increase.

[15] To be clear, these requirements at other organizations tend to apply to those individuals who have any leadership privileges vis a vis the national organization. Most chapter organizations leave the election and qualification of chapter leadership to the chapters to decide, although they also condition the ability to be a chapter on baseline compliance with a series of things including adherence to EEO principles and guidelines.

The organization should act quickly to draw clear lines between what membership rights and related process rights must be afforded under law and what privileges are within the control of the organization. The organization should create clear and straightforward expectations and responsibilities of volunteers, which, at a minimum, should be a condition of leadership or participation in any Sierra Club national events and, if possible, of membership more broadly. The organization should attend to what releases or other requirements or agreements (e.g. prohibitions on alcohol or drug use, strict limitations on physical or intimate contact even if "consensual", etc.) it might want to utilize for those who interact with minors, who go on outings, or other relevant events.

Being a "volunteer-led" organization cannot stand for volunteers having carte blanche.

Being a "volunteer-led" organization cannot stand for volunteers having carte blanche to ignore legal requirements or organizational values around equity and inclusivity – or basic human decency. Meaningful volunteer leadership – around priorities and strategic vision and direction – does not require volunteer invulnerability (perceived or actual) or exemption from accountability structures. To the extent that volunteers wish to be more directly involved in the day-to-day operations of the organization, that opportunity must be conditioned on them being meaningfully accountable for their conduct and choices.

12. Reset the organizational relationship with the unions.

In many if not most organizations, relationships between Leadership and the union can be strained, particularly during contract negotiations. However, everything we heard in this process suggests that the Sierra Club would benefit working to better engage the unions and to ensure that they are actively taking steps to prevent or avoid Leadership or line management from treating the union as the enemy or dismissing the collective bargaining agreements as somehow being a distraction from or counter to the overarching goals of the organization. At the end of the day, this is an organization that professes to care deeply about the conditions for its staff (much like the union), and the union is made up of individuals who have chosen to dedicate their careers to the Sierra Club and the mission (much like Leadership).

Beyond that basic commonality, though, is the fact that the unions seem to have stepped in to attempt to fill a void left by a poorly-resourced and disempowered EVR accountability structure. Over and over again, we heard from staff and management alike that the unions were the best source of help for individuals experiencing mistreatment, harassment, or discrimination. To be very clear, much of management now directly refers employees with problems to the union – rather than the organization – to get help when they are having culture-related problems. A common perception was that "EVR is for managers" and staff have to go to the union. With a very limited set of exceptions, from what we were able to see, those matters that most often resulted in greater organizational attention and the highest likelihood of any accountability measures were ones in which the union was involved.

Despite this, instead we heard disturbing tales of animosity toward unions, with one person succinctly explaining "lots of managers at the Sierra Club are anti-union." In addition to accounts of managers trying to subvert or go around the guarantees of the CBA's when it came to compensation and hiring protocols, we also heard of individuals – particularly women – either experiencing or – in one case being told outright, that their involvement in the union would be detrimental to their careers.[16] What was shared made clear that managers not only lack~~s~~ training on the legal obligations of managers interacting with an organized labor force, but also have not had the appropriate expectations set around what leadership interactions with the union or on culture-related issues should be.

One manager discussed union relations with us at some length, and summed up what they saw as a source of some of the conflict:

> "The way Leadership treats the union ... is problematic. The amount of pushback they give on things... there are these urgent issues that need to be addressed, but there are also people at the organization who are very young... who I'm not sure if they've had a job before or interacted in the world before. So their complaints can devolve into things that seem childish and can discredit other, more legitimate complaints. But overall, I think a lot of the union's concerns are fully warranted."

What this participant referenced is a common source of strain in mission-driven spaces. Frustration on the part of Leadership is common, particularly when it feels like demands are divorced from a recognition of how much is already being done and of the constraints within

[16] These accounts were not as widespread as the other concerns we discuss herein. These seem to be less systemic.

which progress can be made. At the same time, we are aware of other organizations where unions have engaged in more public and disruptive escalations for lesser concerns than those discussed herein.

Whatever might be said of the past relationships, it must be a clear goal of the organization to shift institutional wisdom and habits away from diverting concerns and complaints to the union and incentivize bringing them to the organization. Much like some of the staff currently handling investigations and responses on behalf of the organization now, the individuals in the union are also not trained on the best ways to address these situations. Further, as would be customary in most unions and as was confirmed in these processes, the unions do not bring everything brought to their attention to the attention of the organization. Even if these things were not true, it would still be an ill-advised model to rely or allow the unions to play a primary EVR role on behalf of the organization.

There have clearly been miscommunications and misunderstandings between the union and Leadership as well. Moving forward, the organization will need to prioritize repairing relationships, building trust, and fundamentally securing the buy-in of the unions that utilizing the organization's reporting and investigative structures are in the best interest of everyone. It can accomplish some of this directly with union leadership, but rehabilitating union relationships and addressing trust deficits will also require that the organization address the other concerns noted in this report.

13. Embrace accountable transparency.

Because of the fatigue around the series of surveys, committees, task forces, and working groups that your stakeholders already feel, you will need to act in demonstrably different ways moving forward, both in response to this Report and more generally around your culture-related efforts. We heard from a broad range of stakeholders that despite a large volume of communications, they often feel that meaningful transparency is lacking. Meaningful transparency will allow all stakeholders to know and understand what, how, by whom, and why decisions are made. It will also allow stakeholders to track and measure whether Leadership (you) are honoring the commitments that you make.

Your next actions will need to go beyond owning and acknowledging the toll that process without reform has taken on your organization, beyond expressing remorse for what you've learned and for the harm that has been caused. This moment calls for you to articulate observable, measurable metrics for what you will do, the outcomes you will be working towards, and the timelines you will be utilizing. A comprehensive set of DEI goals and metrics can take some time to develop, but that could be prepared by Q3 2021 and should ideally be announced sooner. In the interim, you should announce when those goals will be shared. Further, you can and should announce as soon as possible, and ideally in the communication regarding this process, some of the hard commitments you can make now with respect to the recommendations in this report, personnel changes, and other reforms you might have underway. As a practical matter, you will also need to be prepared to identify which individuals will act as the point people for questions or concerns.

You also will need to be prepared to announce how you will engage with the Board and Volunteer Leadership more broadly. You should consider what you will be able to commit to in terms of (a) what will be shared about this report and process and how; (b) what EEO and EVR metrics will be reported to the Board or a subset of the Board moving forward (e.g. turnover rates that monitor identity sub-group rates, annual volume of complaints, high-level information about time to resolution and types of resolution, etc.);[17] and (c) what training or other educational efforts on culture issues might be appropriate for the Board or a subcommittee of the Board.

[17] Both because it is best practice and because of what we understand about the nature of your Board, we would recommend you also commit to this high-level human resources reporting to the organization more broadly moving forward.

About Ramona Strategies

Ramona Strategies approaches the work we do with employers and organizations differently than many other employment consultants.

- First, we prioritize strategies over theories, concepts, or frameworks; you'll get simple, realistic skills and useable templates that can be put into action that same day. We try and avoid spending time discussing things that are "true but useless" or introducing approaches that are impossibly complex.
- Second, we know that when consultants try to fit off-the-shelf products onto distinct and dynamic employers, it means less work and greater profit for the consultants but more work and less success for the organization. We meet our clients where they are and help them define growth from that point.
- Third, we believe in win-win solutions that are grounded in careful attention to the ways that the law, intersectional identities, and power dynamics all shape the experiences of individuals in the workplace. We believe it is best to approach all work with an eye toward its DEI opportunities and potential pitfalls.

Our approach comes from our experiences in our own workplaces and in those of the organizations and Boards we help. We have both recruited and managed teams (large and small, remote and in-person, entry-level and highly-sophisticated), grown organizations (in terms of budget, market-reach, prominence, and size), and shepherded organizations through crises, challenge, and redefinition. Elizabeth has extensive experience working with and for clients both large and small, in the for-profit and mission-driven spaces (e.g. Chan Zuckerberg Initiative, the CIA, Johnson & Johnson, Mastercard, ACLU, Brookings Institute, and Planned Parenthood). Kate, who teaches at Yale Law School and who was named by the National Law Journal as one of the 75 most-accomplished female attorneys working today because of her contributions to shaping more equitable and efficient workplaces at some of the largest international corporations operating in the United States, has extensive experience designing, evaluating, and improving DEI initiatives, performance management, compensation, promotion/development, and EEO/Investigative systems. In short, we've committed our careers to this work, and we aren't interested in wasting anyone's time on things that won't generate real, lasting change.

More on Elizabeth Brown Riordan: Over nearly a decade, she grew The Management Center's (TMC) multimillion dollar training program into one of the most successful and influential management training programs in the United States. While at TMC, Elizabeth also oversaw development of equity and inclusion trainings and managed teams of trainers across the country. While at Parents, Families and Friends of Lesbians and Gays (PFLAG) National, Elizabeth first served as a field organizer and then as the Director of Policy and Programs. At PFLAG, she co-wrote The Guide to Being a Straight Ally and helped design and execute corporate diversity trainings that engaged straight allies in the workplace for LGBT rights. Prior to her work at PFLAG, Elizabeth was a Henry Luce Scholar working for an indigenous rights organization in Thailand, where she developed women's capacity-building trainings, and worked as an investigator in the Civil Rights Division of the Department of Justice. Elizabeth holds a B.A. in Political Science from Vassar College.

More on Katherine Kimpel: Kate rose to prominence as one of the nation's premier civil rights attorneys after winning the largest U.S. gender discrimination class action ever tried with a more-than $250 million victory. At the same time, as Co-owner and Managing Partner, she helped grow her former firm into an award-winning, boutique practice with offices throughout the U.S, in part by recruiting one of the most diverse legal teams litigating at the time. Kate has led high-profile reconciliation processes for organizations in crisis; has worked closely with top industrial-organizational psychologists and statisticians; has assisted in the launch and growth of multiple organizations; and has been tasked with monitoring, evaluating, and improving complex HR, EEO, Board, training, compensation, and promotion systems, policies and practices. Kate is often asked to write on HR, management and other employment issues for national news outlets, legal publications, and women's

organizations. She previously served as Special Counsel to the Senate Judiciary Committee and as a public-school teacher. Kate holds a B.A. from Vassar College and a J.D. from Yale Law School.

More on Kathryn Pogin: Kathryn is a PhD Candidate in philosophy at Northwestern University, where she is writing her dissertation in social epistemology with a particular focus on how social inequality shapes and limits our ability to form knowledge—for instance, how identity and unconscious bias impact reception of witness testimony. She recently earned her J.D. from Yale Law School, where she represented clients in anti-discrimination matters with both the Veterans Legal Services and Free Exercise Clinics and argued on behalf of her clients in front of the Second Circuit Court of Appeals. She has served on Title IX advisory groups for both the law school and the university, was selected as a program fellow with the Yale Law, Ethics & Animals Program, and acted as a board member for First Generation Professionals. Kathryn has published "Conceptualizing the Atonement" in *Voices from the Edge: Centering Marginalized Perspectives in Analytic Theology* (Oxford University Press 2020) and has given approximately twenty invited or refereed academic presentations, most focusing on injustice, diversity, progress, and intellectual courage. She was as articles editor for the *Yale Journal of Law & Feminism* and has served as a referee for the *Kennedy Institute of Ethics Journal*.