

Investor/Board Member Due Diligence Checklist



**Leading Change
in the #MeToo Era**

Investors and Board Members can play a crucial role in creating a healthy work environment and culture, which leads to a more successful enterprise where a diversity of talent can contribute. Although ultimate responsibility for day-to-day oversight falls to the Executive Director or CEO, Boards and Investors can set the tone and be on the lookout for organizational cultures that put their investments of time, talent, or funding at risk.

Use this checklist to prompt questions and discussions about how the organizations you support plan to get proactive about sexual harassment, discrimination, and intimidation in the workplace given the economic and reputational risk that these can create for an organization. We offer this as a place to build awareness into due diligence and board governance processes.

First Steps (in order of priority):



Anti-Harassment Policy

Do we have one?

Does the policy include clear:

Definitions of discriminatory and harassing conduct?

Avenues for reporting complaints?

Formal + informal resolution processes?

Expectations of follow ups + tracking?

Expectations for whom the policy applies?

Expectations for bystander intervention?

Do we, staff and Board, take the policy seriously? How are we demonstrating this?



Training + Support

Is our Sexual Harassment training up to date, adaptive, flexible, and properly resourced so it meets the needs of staff?

Does the training:

Include specialized training on bystander intervention?

Empower supervisors to prevent, respond to and report incidents?

Is our Sexual Harassment training provided to new employees within one year of hire? (This is required by Maine law for organizations with 15 or more employees.)



Investigating the Process to Report Complaints

Is there a clearly understood process that exists for confidential reporting of allegations of misconduct?

Is it clear that confidentiality will be maintained to the maximum extent possible to allow the employer to investigate, evaluate and act to remedy the problem?

Investigating the Process to Explore and Resolve Complaints

Have we set clear expectations about how formal complaints will be investigated?

Do these include:

- Timeliness in reporting?
- Investigation process?
- Confidentiality?

Are there clear expectations and a clear understanding about how formal complaints can be resolved?

Do these include:

- A continuum of responsive actions?
- Appeals processes?
- Handling of false & malicious accusations?
- Protection against retaliation?

Communications & Accountability

Is there a clear process for how and when specific incidents are reported to the CEO and/or Board? Does the Board ask for report out information annually?

Updating Hiring, Employment, and Insurance Practices

When hiring, do we include questions to identify any history of harassment in reference checks for new hires?

Does our insurance include adequate liability coverage for directors and officers (D&O insurance)?

Best Practices for Gold Star Workplace Cultures:

- Have we ensured our organization has robust policies and funded mechanisms to provide the necessary medical and psychosocial support to victims, allies, and bystanders? How do we know?
- Are there are multiple avenues or point people available to report a complaint? Do employees clearly understand how to use these?
- Have we set clear expectations about what happens when informally discussing a complaint of harassment with designated point people, company leaders, and/or board members?
- Are consolidated incident reports (including appropriate and relevant but confidential data) made available to CEO and Board on a regular/annual basis?
- Do we have a policy for giving references for any former employees who participated in harassment while in our employ?
- Are we clear and explicit about how work situations will be handled when consensual relationships arise between employees?
- Does our training raise awareness of how gender stereotypes and unconscious assumptions (implicit bias) may play a role in sexual harassment and other workplace dynamics?

Taking the Next Step

Want to go a step further from safe and healthy to inclusive environments? Take a page from Kapor Capital's playbook:

- Ask your founders or grantees to make a Founder's Commitment and then monitor whether they live up to the spirit of that Commitment.
- Start with the culture within your own institution and recognize power differentials between you and those you fund.
- Follow the data around the benefits of diversity and inclusion to successful, fast growing companies and successful problem-solving organizations.
- Don't use proxies for key responsibilities and critical skills needed – "a degree from Stanford and previous job at Google" are not skills.
- Identify new and unexpected networks for resourcing talent.

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