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**Report of Investigation, Review of HR Policies,
Procedures, and Trainings, and Assessment of Workplace
Culture at the National Audubon Society**

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I. SCOPE OF REVIEW

A Special Committee of the Board of Directors of the National Audubon Society retained Morgan Lewis to (1) investigate allegations of discrimination, retaliation, and harassment raised in a November 12, 2020 article published on Politico.com; (2) assess Audubon's workplace culture more broadly; (3) conduct an audit of Audubon's human resources (HR) policies, procedures, and trainings; and (4) identify areas to improve workplace culture and processes for reporting and addressing concerns. Morgan Lewis Partners Grace E. Speights, Larry L. Turner, and Jocelyn R. Cuttino led the review. This document is a report of our findings for all areas within the scope of review and our recommendations.

II. BACKGROUND

On November 12, 2020, Politico published an article titled, "Audubon Society hit by claims of 'intimidation and threats.'"¹ The article focuses on allegations that Audubon, led by Chief Executive Officer David Yarnold, maintains a culture of retaliation, fear, and antagonism toward women and people of color, which the author contends is underscored by the resignations of Deohn Ferris, former vice president for equity, diversity, and inclusion (ED&I), and Devon Trotter, former senior specialist for ED&I, and the alleged retaliation by Mr. Yarnold of a former senior staff member who filed a whistleblower complaint. Specifically, the article claims:

- Audubon devalues the contributions of women and people of color;
- Audubon has a culture of retaliation, fear, and antagonism toward women and people of color;
- Decision making within the organization is handled by a tight-knit group of mostly white males;
- Mr. Trotter resigned after facing "intimidation and threats" from Mr. Yarnold;
- Audubon failed to investigate complaints raised by Mr. Trotter, and generally fails to investigate employee concerns or provide any real avenue for recourse;
- Mr. Yarnold's relationship with Ms. Ferris deteriorated after she publicly questioned Audubon's hiring practices at a state leadership meeting, and she was ultimately driven out by criticisms from Mr. Yarnold and other superiors; and
- Mr. Yarnold retaliated against a former senior employee after she filed a whistleblower complaint raising concerns that the organization was using restricted grant money for unintended purposes, and subsequently made disparaging comments about her to a recruiting professional.

Mr. Yarnold submitted a rebuttal to Politico denying the claims in the article.

III. INVESTIGATION AND CULTURAL ASSESSMENT PROCESS

1. Investigation Methodology

Our investigation began on January 8, 2021 and continued for 12 weeks. Our investigation centered on the aforementioned allegations raised in the Politico article. We made an effort to interview each individual involved in those allegations, as well as any individuals who otherwise would have relevant information. We interviewed a total of 111 staff members, including 102 current staff members and 9 former staff members. We reached out to individuals who we believed would have information concerning the allegations and others reached out to us for interviews. We reached out to Mr. Trotter and Ms. Ferris individually, both through telephone calls and email, but did not receive a response from either. We did, however, speak with the former senior staff member who alleged that she was retaliated against by Mr. Yarnold for raising a whistleblower complaint.

At his request, we spoke with Mr. Yarnold at the outset of the investigation. Toward the end of the interview process, we spoke with Mr. Yarnold again and Chermia Hoeffner, vice president, human

¹ <https://www.politico.com/news/2020/11/12/audubon-society-claims-intimidation-threats-436215>.

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resources, to allow them to share their perspectives and respond to specific allegations raised in the Politico article and throughout the investigation. In addition to witness interviews, we conducted a thorough review of documents and information relevant to the investigation.

In determining whether an allegation was substantiated or unsubstantiated, we considered the weight of the evidence. This includes the credibility of each witness, the number of witnesses who provided a consistent or conflicting account of an allegation, and the documentary evidence provided in support of, or in contradiction to, each allegation.

2. Cultural Assessment Methodology

We also conducted a cultural assessment. In conducting a cultural assessment, unlike an investigation, the goal is not to determine whether an allegation is substantiated or unsubstantiated. Rather, the goal is to better understand current and former staff members' perceptions of the workplace environment at Audubon and the culture of the organization.

During the interview process, we took notice of reoccurring concerns that were raised by multiple witnesses. We ultimately identified eight "themes" or areas of concern that many witnesses shared. Additional information with respect to each theme is discussed in Section VII of this report.

IV. SUMMARY

In summary, our investigation substantiated some but not all of the allegations raised in the Politico article. We received credible witness accounts suggesting that Audubon has a culture of retaliation, fear, and antagonism toward women and people of color. We received consistent witness statements indicating that white men on the executive team primarily make decisions within the organization; along with dozens of specific accounts suggesting that women on the executive team are not given the same level of autonomy or authority as men are given. Accordingly, these two allegations were substantiated.

However, our investigation did not substantiate the claim that Mr. Trotter left Audubon because of intimidation and fear. To the contrary, Mr. Trotter sent an email prior to his departure from Audubon stating that he was leaving to join Ms. Ferris at another organization due to his "unfettered loyalty" to her. Similarly, we also did not find that Ms. Ferris was driven out of Audubon due to criticisms from Mr. Yarnold and other superiors. Based on our interviews and review of documentary evidence, we conclude that Mr. Yarnold's and Ms. Ferris's disagreements on an ED&I plan for the organization led to her departure. Nonetheless, we acknowledge that Ms. Ferris was likely impacted by implicit bias during her tenure with Audubon, as many witnesses suggested.

Our investigation did not substantiate the allegation that HR fails to investigate complaints or provide recourse. We reviewed over two dozen files for investigations of employment-related complaints conducted by HR in the past five years. In nine instances, HR suggested corrective action, even where the alleged conduct did not violate an Audubon policy and was not illegal. Nonetheless, we believe there are certain HR practices that may discourage employees from raising complaints and that have otherwise fueled a widespread distrust of HR. With respect to the allegation that Mr. Yarnold retaliated against a former senior staff member for raising a whistleblower complaint, we have not received sufficient information to determine whether this allegation is substantiated. We confirmed, however, that Mr. Yarnold did make negative statements to an outside recruiter regarding the former senior staff member's performance. We found such statements to be inappropriate.

As part of our review, we also conducted an audit of Audubon's HR policies, procedures, and trainings. Overall, we found the HR policies and procedures to be sufficient, and that Audubon has trainings that appropriately address ED&I, harassment, and discrimination in the workplace.

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Turning to the cultural assessment, we identified eight reoccurring themes. These themes included perceptions among employees that: (1) there is a lack of open communication and transparency within the organization; (2) HR is not seen as an advocate for or ally of employees; (3) women are not respected or heard; (4) poor behavior is tolerated at Audubon; (5) there is a lack of ownership by the organization of its mistakes; (6) Audubon's ED&I efforts are insincere; (7) there is gender inequity in pay and promotions; and (8) local leaders are ignored or otherwise not consulted on decisions that directly impact them and their staff.

To address the issues and concerns raised in our investigation and the cultural assessment, Audubon and the board will need to take meaningful, concrete action to acknowledge the perspectives of current and former staff members; implement systems to enhance transparency and confidence in Audubon's HR related processes and procedures; and build relationships among executive leadership, local leaders, and staff in an effort to collaborate on ED&I efforts and other decisions that impact all levels of the organization.

Specifically, we recommend the board consider making significant changes to the structure and leadership of the organization, starting with its search for a CEO, and involve staff in this effort. Audubon's HR department must also be strengthened so that it can adequately address all staff concerns. This can be accomplished by ensuring that HR is properly staffed and funded, formalizing HR complaint procedures, applying such procedures consistently, and increasing HR's transparency and visibility within the organization. As HR rebuilds employee trust, we also encourage the board to ensure that an external, independent third-party or internal staff advocate is hired to help serve as a liaison between employees and HR and help staff work through concerns. In addition, Audubon should continue to conduct robust anti-discrimination, anti-harassment, and ED&I trainings and regularly distribute its Discrimination & Harassment-Free Workplace policy to employees. With respect to pay parity, we understand that Audubon is in the process of conducting a pay analysis. Audubon should also review promotion data and use its review to implement a plan to address any inequities in pay and promotions. This would include laying out clear guidelines and metrics for promotions and pay increases. It is also important for Audubon to reinvigorate ED&I discussions with staff and take concrete steps toward implementing ED&I goals to address concerns that Audubon is insincere in its ED&I efforts. Finally, we recommend that the executive team involve local leaders in decision-making processes to the extent practicable and appropriate.

V. REPORT ON INVESTIGATION

Below we set forth our detailed findings with respect to the allegations raised in the Politico article, including whether a particular allegation is substantiated or unsubstantiated, or there was insufficient information to make a determination.

1. Allegation #1: Audubon has a culture of retaliation, fear, and antagonism toward women and people of color – SUBSTANTIATED.

Nearly all of the women we interviewed and many of the men commented that implicit bias toward women and people of color is prevalent at Audubon. Witnesses cited instances of women being very vocal about needing more resources and subsequently getting negative performance reviews or passed over for promotions and raises, while women who are quiet and do not push back tend to succeed. Witnesses consistently noted that managers at all levels—including women—perpetuate an environment that diminishes the contributions of women and people of color.

There were many similar examples provided. We found the witnesses presenting such evidence to be credible because in many instances there was more than one witness to the incidents that staff members

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described. Based on the experiences of approximately one-third of the witnesses, this allegation is substantiated.

2. Allegation #2: Decision making in the organization is handled by a tight-knit group of white males – SUBSTANTIATED.

While the executive team is made up of both men and women, it is widely agreed that only a few white males on the executive team have been the primary decision makers with respect to matters of significance to Audubon. At least 30 staff members observed that women on the leadership team are not given the same level of autonomy and decision-making authority as men are given, and shared specific accounts. Given the consistency of these accounts and supporting emails, we found these witness accounts to be credible. Accordingly, our investigation substantiates the allegation that the white men on the executive team are the primary decision makers within the organization.

3. Allegation #3: Mr. Trotter resigned after facing intimidation and threats – UNSUBSTANTIATED.

Mr. Trotter did not respond to our requests for an interview and we were not able to explore this allegation with him in more detail. As reported in the Politico article, Mr. Trotter claims that Mr. Yarnold threatened him after he declined to reveal the names of employees who participated in an anonymous survey. A credible witness indicated that Mr. Trotter refused to provide information regarding the survey participants who raised actionable allegations requiring further investigation, despite at least four requests to provide such information. Mr. Yarnold made the fourth request to Mr. Trotter to provide this information. In a farewell email that Mr. Trotter sent to Audubon staff, he did not cite any additional incidents of alleged intimidation and threats, and he stated that his “unfettered loyalty” to Ms. Ferris was leading him to join her at another organization. Without further information or discussion with Mr. Trotter, our investigation does not substantiate that Mr. Yarnold intended to intimidate and threaten Mr. Trotter, or that Mr. Trotter left because of intimidation and threats.

4. Allegation #4: HR fails to investigate employee concerns or provide recourse – UNSUBSTANTIATED, but certain practices may discourage employee complaints.

There is an overwhelming perception among staff that HR does not adequately handle complaints and “shuts down” employees when they complain. We received reports from over 40 staff members that they were not satisfied with their experiences with HR. To investigate this allegation, we reviewed records of approximately 25 investigations of employment-related complaints conducted by HR in the past five years. In nine instances where the complaints were either substantiated or not substantiated but the subject’s conduct was still found to have been imprudent, HR recommended corrective action or training. Therefore, our investigation does not substantiate the allegation that HR fails to investigate complaints or provide recourse.

We also received approximately 20 accounts of employees reporting that they raised concerns with HR and did not hear back, received negative reactions, felt that they were blamed for the issue they were reporting, felt that there was no confidentiality, or felt that they were forced to confront or continue working with the subjects of their complaints. With respect to these allegations, HR representatives explained that they are often delayed in responding to employees because they are understaffed and extremely busy. They also explained that they can only recommend a specific outcome, but the final decision belongs to the relevant manager. In addition, because personnel actions are confidential, employees may not know when the subjects of their complaints have received counseling or training.

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Based on our interviews, it appears that the HR team understands the importance of listening and responding to all concerns raised by employees. But although well-intended, we cannot ignore the reality that numerous witnesses share negative perceptions of HR. We conclude that HR's responses to employees have in fact discouraged them from making complaints, although we cannot conclude that it was their intention to do so, or that their responses have been inappropriate. Notably, in many cases witnesses provided examples involving HR staff members who are no longer with the organization.

5. Allegation #5: Mr. Yarnold's relationship with Ms. Ferris deteriorated after she publicly questioned Audubon's hiring practices at a state leadership meeting, and she was ultimately driven out by criticisms from Mr. Yarnold and other superiors – UNSUBSTANTIATED. Mr. Yarnold's and Ms. Ferris's disagreements on an ED&I plan led to her departure.

Ms. Ferris did not respond to our attempts to interview her for this investigation. As such, we were not able to speak with her directly to get more information about her experience at Audubon and her perspective on her relationship with Mr. Yarnold.

From our perspective, it is fair to say that Ms. Ferris was in a somewhat untenable situation. Mr. Yarnold has repeatedly said that Audubon has been on an ED&I journey for the past decade and that there is still work to do, but he became frustrated when, in his view, he did not see tangible results from Ms. Ferris in less than six months. In addition, Mr. Yarnold said that he hired Ms. Ferris for her expertise but then felt that her ED&I plan was not fundable. In our view, Mr. Yarnold expected results while he would not support Ms. Ferris's vision for achieving those results. In any event, we believe Mr. Yarnold and Ms. Ferris were not aligned on ED&I goals and their disagreements on an ED&I plan led to Ms. Ferris's departure. We do not believe Ms. Ferris was driven out by Mr. Yarnold or other superiors.

Witnesses suggested that racial animus may have contributed to a deterioration of Mr. Yarnold's relationship with Ms. Ferris. However, we did not receive any information that would suggest that Mr. Yarnold held or expressed explicit animus toward Ms. Ferris based on her race and cannot substantiate this allegation. We do believe it is likely that the same implicit bias that many witnesses believe permeates Audubon impacted Ms. Ferris's experience as well, as several witnesses suggested.

6. Allegation #6: Mr. Yarnold retaliated against a former senior staff member for raising a whistleblower complaint. We have not received sufficient information to determine whether this allegation is substantiated.

In the Politico article, a former senior staff member alleged that Mr. Yarnold retaliated against her for raising a whistleblower complaint about use of grant funds by providing negative feedback to a recruiter who placed her at Audubon. In rebuttal, Mr. Yarnold informed Politico that he "had a discussion with two funders, who both affirmed the use of funds was consistent with their intent and was entirely appropriate. At that point, this former employee confirmed in writing that the concern had been addressed." With respect to the retaliation claim, Mr. Yarnold stated he gave the recruiter his "honest evaluation" so that "the search partner could better evaluate candidates for [Audubon] in the future."

Based on our review of the information we received regarding this allegation, including our discussion with the former senior staff member, we were able to confirm that the former staff member was satisfied that the funding concern raised had been appropriately addressed. However, we cannot determine whether Mr. Yarnold retaliated against the former senior staff member for raising funding concerns. We do believe that Mr. Yarnold made comments to a recruiter regarding the former senior staff member's performance that were inappropriate and unnecessary.

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VI. REPORT ON REVIEW OF HR POLICIES, PROCEDURES, AND TRAININGS

We reviewed Audubon's employee handbook, ED&I How-To Guide for chapters, and separate policies provided from Audubon's intranet. We did not identify any missing or deficient policies. We also reviewed, in relevant part, Audubon's Chapter ED&I How-To Guide trainings on topics such as recruiting, welcoming and belonging, and trainings on Preventing Harassment in the Workplace, and Understanding and Preventing Discrimination. Such trainings appeared to appropriately address issues of ED&I, harassment, and discrimination in the workplace.

VII. REPORT ON CULTURAL ASSESSMENT: OBSERVATIONS AND THEMES

In this section, we report on the perceptions of Audubon's culture, which we heard from many staff members during our interviews. As noted above, we have not substantiated or unsubstantiated any of these themes because they are perceptions of staff about the overall culture of Audubon.

1. Lack of open communication and transparency within the organization

At least one-third of the witnesses expressed that they feel there is a lack of open communication and transparency surrounding decisions made by Mr. Yarnold and the executive team. Managers expressed that they wish they had been involved in the decision-making process for COVID-19-related layoffs or that there had been better communication when their staff members were negatively impacted. At least two witnesses also expressed concern as to whether there will be any transparency regarding our investigation. Based on our review, it is evident that many employees feel that there could be greater communication and transparency with respect to decisions made by the executive team, especially those decisions that directly impact staff members. To the extent Audubon can provide staff with greater communication and transparency in advance of implementing decisions that will directly impact them, this will likely boost employee morale or at a minimum increase understanding and acceptance of such decisions. It also is apparent that some staff members feel that they do not know the criteria for being promoted or advancing in the organization.

2. HR is not seen as an advocate for or ally of employees

Staff in large part do not see HR as an advocate for or ally of employees. More than 30 witnesses reported feeling that HR exists to protect the organization rather than the employees. Over one-third of witnesses expressed that employees do not trust that HR will adequately handle their complaints. Due to this lack of trust, many employees indicated that they would not (or do not) go to HR with a complaint or any other issue. As discussed in Section V.4, in many cases, witnesses provided examples involving HR staff members who are no longer with the organization. Nonetheless, there remains a clear level of distrust of HR. We explain in Section VIII.2 that HR should work to gain the trust of employees and improve their overall perception of HR.

3. Women are not respected or heard

Based on our interviews, over one-fourth of the women we spoke with feel they do not receive equal treatment and are not supported by the organization. Several women throughout the organization specifically view Audubon as perpetuating a boys' club culture. While witnesses acknowledged that experiences may vary depending on one's manager, over 20 women expressed that they have either experienced or observed men speaking over women during meetings, rolling eyes or walking out of meetings while women are speaking, taking credit for women's work, making sexist comments such as "sit down, be quiet and let others speak," and yelling, screaming or otherwise speaking down to women.

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A few witnesses felt that circumstances are even more difficult for women of color. According to a handful of witnesses, women of color have been reportedly passed over for positions and punished for minor transgressions, while their white counterparts are not subject to such treatment.

4. Tolerance of poor behavior

About one-fifth of witnesses believe that Audubon tolerates poor behavior. Witnesses described Audubon as having a culture of bullying, fear and retaliation, which they said starts with Mr. Yarnold and trickles down. According to about a dozen witnesses, other examples of bad behavior that Audubon tolerates include taking credit for other people's work, throwing colleagues "under the bus," and engaging in mean or bullying behavior on the Slack platform.

5. Lack of ownership by the organization of its missteps

Some witnesses commented that Audubon leadership seems unable to fully acknowledge and take ownership of its mistakes. The August 2020 KMA training was one example cited by numerous witnesses. However, there has been some acknowledgement from Mr. Yarnold and the executive team expressing their regrets for the KMA training.

Witnesses also stated that leadership has never taken ownership of the allegations in the Politico article. At least five witnesses expressed disappointment that there has not been an apology from Audubon since the article was published, or an acknowledgment of racism within the organization. We note that Mr. Yarnold's notes from the November 20, 2020 all-staff call stated that he apologized for the Politico article and acknowledged racism and unconscious bias within the organization. For at least five witnesses, however, Mr. Yarnold's statements rang hollow. Those individuals said they felt that such comments should have been made long before the Politico article.

Other witnesses commented that there has been no communication from the executive team about the tension within the organization, or more broadly, in response to racial and social injustice in America. We have not seen documentation from leadership addressing racial and social injustice in America; however, we have seen communications from the organization addressing its commitment toward racial equality at Audubon. Audubon should continue to demonstrate its commitment to racial and gender equality through regular communications to staff and demonstrated ED&I efforts, and promptly and appropriately acknowledge any missteps.

6. Lack of sincerity in ED&I efforts

While individuals acknowledged the efforts that Audubon has made with respect to ED&I, there was a common sentiment among almost 40 percent of witnesses that Audubon is more committed to ED&I efforts on paper rather than in practice, and that ED&I initiatives feel rushed instead of given appropriate effort and thought. Related to this allegation, Mr. Yarnold provided notes from an email to all staff sent on June 15, 2020, which set forth the executive team's commitment to racial equality at Audubon and detailed leadership's plan to invest in Audubon staff through ED&I training and other forms of management training. In addition, Mr. Yarnold has announced the allocation of \$1 million to fund ED&I efforts and the hiring of additional HR and ED&I staff members. This includes the hiring of new chief ED&I officer, Jamaal Nelson, who joined Audubon on March 1 of this year, and Dr. Elizabeth Gray as president and chief conservation officer, who also joined Audubon in early March and who will serve as the interim CEO, effective May 14, 2021.

We received mixed comments regarding funding and support of ED&I efforts. Many employees indicated that Ms. Ferris had no budget or support during her tenure, and that the same was true for her predecessor, so staff were surprised to learn that Audubon is now allocating \$1 million to fund ED&I

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efforts. Employees also told us that despite the organization's \$1 million ED&I commitment, local ED&I efforts have gone unfunded. Departments and centers have the burden to implement such initiatives, one witness said. It was also explained to us that most state offices have not created an ED&I taskforce or otherwise created ED&I plans. According to Mr. Yarnold, staff members have received robust ED&I training, which is supported by the ED&I and sexual harassment training materials we reviewed as part of our audit of HR policies, procedures, and trainings. However, there is a widely-shared belief that these steps could have been taken a long time ago.

7. Gender inequity in pay and promotions

During our interviews, over a dozen women complained of significant pay disparities between themselves and their male colleagues who hold the same job titles and responsibilities. They also complained of a lack of transparency and consistency with respect to pay and promotions. As one example, a woman said she discovered that she is making two-thirds less than her male counterpart in the same position. Women also shared accounts of inequity in promotional opportunities.

Confirming the pay equity and promotion claims would require a full pay equity and promotion analysis. It is our understanding that Audubon is in the process of conducting a pay analysis. As discussed in Section VIII.5, we encourage Audubon to utilize pay and promotion data to ensure fair pay across genders, ensure a fair promotion process, and increase transparency with respect to pay and promotional opportunities.

8. Local leaders are ignored or otherwise not consulted

About one-fifth of witnesses expressed concerns that local leaders are excluded from decision making. Several center directors reported that they were not consulted prior to the 2020 layoffs, which they said disproportionately impacted lower-level staff members working in their centers. Mr. Yarnold has acknowledged that he should have handled COVID-19 layoff announcements better, but he indicated that the layoff determinations were reasonable business decisions, designed to save the organization millions of dollars. He said he looked at low performers, as well as the functionality of each department. In addition, Mr. Yarnold reportedly froze compensation for anyone with a salary greater than \$125,000. Mr. Yarnold did not discuss working with local leaders to make such decisions. Local leaders feel they have a better understanding of staff performance and the overall needs of their teams, and believe it would have been prudent to consult with them when making layoff decisions.

VIII. RECOMMENDATIONS

1. Changes in leadership and structure

First, given the vast scope of concerns we heard, the board should consider making changes to the structure and leadership of the organization. We understand that Mr. Yarnold will step down from his role as CEO, effective May 14, 2021. In its search for a new CEO, the board should search for candidates who have a deep understanding of Audubon's mission, values, and ED&I work, and also have a demonstrated ability to build connections with the organization's staff. There should be a substantial, concerted effort to identify qualified candidates who are people of color and women. We also encourage the board to involve the staff in the CEO search, perhaps with an all-staff call in which staff can provide input on the qualities they believe the organization should value in a CEO. This may alleviate concerns that any new leader will simply continue the same practices Mr. Yarnold implemented at Audubon.

Employee perceptions and concerns regarding HR are also troubling. We believe that HR personnel would benefit from coaching and training to help build stronger relationships with staff. We understand from our interviews that HR is in the process of implementing 360 performance reviews for employees. These reviews should include HR personnel.

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2. Strengthen the HR department and complaint procedures, and increase HR's transparency and visibility

Audubon's HR department needs to be strengthened so that it is capable of addressing all staff concerns. Historically, Audubon's HR department has been understaffed and underfunded. We understand HR is in the process of hiring three new employees. Audubon should ensure there is a diverse applicant pool, and focus on candidates with significant experience creating and implementing ED&I initiatives in their prior roles. It will also be important for Audubon to formalize complaint procedures, including creating multiple avenues for staff to report any concerns or grievances. One reporting avenue should allow staff to raise concerns anonymously. Additionally, HR should have a standard operating procedure for documenting complaints, conducting investigations that maintain confidentiality to the extent possible, and providing solutions or recommendations to address employee concerns.

Given the current distrust of HR, it may also be helpful to provide an organization-wide training on the purpose and role of HR, including an overview of any new policies implemented as part of this process. It is critical that staff be reassured (through demonstrated actions) that HR is an effective avenue for them to voice concerns and have those concerns addressed. HR should also create opportunities to increase its visibility with employees. This may include periodic emails to remind employees of policies and how such policies are in place for their benefit, updates on ED&I efforts, invitations to participate in ED&I initiatives or events, or simple reminders of how to contact HR with questions or concerns.

3. Hire an external third-party or internal staff advocate

In or around November 2020, we understand that Mr. Yarnold announced that Audubon would hire an independent third-party staff advocate to ensure everyone can safely share concerns. The board should ensure that this takes place. It may take significant time to build employee trust in HR. A staff advocate would serve as a conduit between employees, and HR and management. A staff advocate would also help staff work through conflicts and concerns, and determine the appropriate next steps. Overall, hiring a staff advocate would further demonstrate Audubon's support of employees.

4. Maintain robust trainings and policies

Audubon should continue to conduct anti-discrimination, anti-harassment, and ED&I trainings. Such trainings should be conducted on an annual basis, and where possible, be conducted in person. Audubon should also make (or continue to make) sure that policies, including its Discrimination & Harassment-Free Workplace policy, are accessible to all employees and are distributed at the time of hire, and that acknowledgments that employees received and reviewed the policies are collected from new employees, including when a new policy is distributed. Even if there have been no updates to the policy, Audubon should distribute its Discrimination & Harassment-Free Workplace policy to employees annually and require their acknowledgment.

5. Utilize pay equity data to ensure fair pay across genders, ensure a fair promotion process, and be transparent

A reoccurring theme in the investigation is that pay and promotion inequity based on gender is common at Audubon. As discussed in Section VII.7, we understand Audubon is in the process of conducting a pay analysis. Audubon should also review promotion data and use its review to implement a plan to address any inequities in pay. It would be helpful to lay out clear guidelines or metrics for how pay, salary increases, and promotions are determined, and who is involved in the decision-making processes. And then, the organization must apply those standards uniformly going forward. The need for transparency is critical to alleviate concerns that there are gender-based or other inappropriate considerations such as race included in this process, which is the current perception of some staff.

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6. Reinvigorate the ED&I discussions and action plans

Audubon should continue to make strides toward its ED&I goals. Audubon should consider implementing an ED&I statement to further demonstrate its ED&I commitment to staff and gain the confidence and trust of staff. There is an ED&I statement included in Audubon's Equity, Diversity & Inclusion How-To Guide for chapters. However, we have not seen an ED&I statement available to all staff members. Leaders should also re-engage staff in ED&I dialogue and include them in the decision-making processes as the organization implements its ED&I initiatives. Overall, the organization must demonstrate that ED&I is a high priority and take concrete steps toward implementing ED&I plans in the short term.

The board should also consider creating an ED&I/workplace culture committee or special committee to increase the board's knowledge and visibility on these subjects at Audubon and provide enhanced oversight to executive leadership in these areas. This should also include implicit bias training conducted by a well-vetted, third-party for everyone starting with the top of the organization down.

7. Incorporate local leaders in decision-making

Last, local leaders should be involved in decision-making to the extent practicable and appropriate. The board should encourage the executive team to consult with local leaders prior to making decisions or implementing plans that directly impact local leaders and their staff.