



Las Vegas New Mexico Community Foundation

By-Laws, Policies and Procedures

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LVNMCF BY-LAWS

Article I. Name.

The name shall be, "Las Vegas, New Mexico Community Foundation"

Article II. Vision.

The vision statement shall be, "Help Las Vegas Thrive"

Article III. Mission.

The mission statement shall be, "To attract and develop resources to broadly serve the greater Las Vegas community and its residents through giving, programs and policies."

Article IV. Governance.

The Foundation shall be governed by a Board of Directors.

Article V. Board of Directors

Section 1. **Number, Qualifications, Removal, Resignation, Vacancies.** The Board shall consist of no fewer than six (6) and no more than ten (10) Directors. The initial Directors will consist of those Directors set forth in the Articles of Incorporation. A Director may be removed, with or without cause, by a majority of the Directors then in office. A Director may resign by giving fifteen (15) days written notice to the Board.

Section 2. **Tenure.** Directors shall be elected or designated and will serve for a term of three (3) years. No Director shall serve more than three (3) consecutive terms but may return as Director after one (1) year absence from Board.

Section 3. **Election.** Directors shall be elected by a positive vote of the majority of the members of the Board of Directors then in office.

Article VI. Board of Director Meetings

Section 1. **Meetings:** The Board of Directors shall meet at least three (3) times per year. Special meetings may be called by the Chair or by a majority of the Directors. The last meeting of a calendar year shall serve as the annual meeting for the purpose of electing officers.

Section 2. **Location:** Meeting of members shall be held at such place, either within or without New Mexico as may be provided in the bylaws. In the absence of any such

provision, all meetings shall be held at the registered office of the corporation in New Mexico unless otherwise designated by the Board.

Section 3. **Notice of Meetings:** Written notice stating the time, place and, if a special meeting, the purpose will be delivered to all Directors at least five (5) days before the meeting date. Unless otherwise provided in the articles of incorporation or the bylaws, written notice stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten nor more than fifty days before the date of the meeting, either personally, by electronic mail or by regular mail, by or at the direction of the Chair, or the Secretary, or the officers or persons calling the meeting, to each member entitled to vote at the meeting. If mailed, the notice shall be deemed to be delivered when deposited in the United States mail addressed to the member at his address as it appears on the records of the corporation, with postage thereon prepaid.

Section 4. **Attendance:** Attendance at any meeting by a member shall constitute a waiver of notice of the meeting, except where a member attends a meeting for the expressed purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

Section 5. **Quorum Voting:** A majority of Directors then in office shall constitute a quorum at Board of Director's meetings or by an electronic vote. Each Director shall have one vote. The act of a majority of Directors at a meeting, a quorum being present, shall be an act of the Board of Directors.

Section 6. **Proxy Voting:** The Board of Directors shall not allow Proxy Voting.

Section 7. **Powers and Duties:** The Board of Directors shall have Variance Power, as granted by the United States Treasury Regulation, which is the power to modify or eliminate any restriction, limitation or condition on the distribution of funds, including their use for any specified purposes or their distribution to specific organizations by a majority vote of the Board of Directors at a meeting in which a quorum is present, if in the sole judgment of the Board such restriction, limitation or condition becomes, in effect, unnecessary, incapable of fulfillment or inconsistent with charitable objectives, subject to the mission and intent of the Foundation.

Article VII. Officers

Section 1. **Number, Tenure, Qualifications, Election:** The officers of the Foundation will be a Chair, Vice-Chair and Secretary, Treasurer and other officers as the Board may designate. Officers will be elected by the Board at its last meeting of the year to serve two-year terms. Officers may be elected to as many terms as the Board chooses. Officers must be Directors of the Foundation during their terms of office. Officers may resign or be

removed by a vote of two-thirds of Directors then in office. Vacancies and newly created offices may be filled by the Board.

Section 2. **Chair:** The Chair will be an ex-officio member of all committees, will preside at all Foundation meetings and, when authorized, will execute and deliver documents in the name of the Foundation.

Section 3. **Vice-Chair and Secretary:** This Officer will preside at Board meetings in the absence of the Chair and will oversee the custody of all corporate records of the Foundation, approve the minutes of meetings, give all Notices required and, when authorized, execute, attest and deliver documents of the Foundation.

Section 4. **Treasurer:** The Treasurer will oversee the Foundation funds, keeping correct books and records of all accounts the Foundation possesses.

Article VIII. Committees

Section 1. **Create Committees:** The Chair or the Board of Directors may establish committees from among the members of the Board as deemed appropriate. Nonmembers of the Board may be appointed to committees as deemed appropriate by the Directors.

Section 2. **Committee Establishment:** If the articles of incorporation or the bylaws so provide, the Board of Directors, by resolution adopted by a majority of the Directors in office, may designate and appoint one or more committees each of which shall consist of two or more Directors. Nonmembers of the Board may be appointed to committees as deemed appropriate by the Directors.

Section 3. **Committee Authority:** The committees, to the extent provided in the resolution, in the articles of incorporation or in the bylaws of the corporation, shall have and exercise all the authority of the Board of Directors, except that no committee shall have the authority of the Board of Directors in reference to amending, altering or repealing the bylaws; electing, appointing or removing any member of any committee or any Director or officer of the corporation; amending the articles of incorporation, restating articles of incorporation, adopting a plan of merger or adopting a plan of consolidation with another corporation; authorizing the sale, lease, exchange or mortgage of all or substantially all of the property and assets of the corporation; authorizing the voluntary dissolution of the corporation or revoking proceedings therefor; adopting a plan for the distribution of the assets of the corporation; or amending, altering or repealing any resolution of the Board of Directors which by its terms provides that it shall not be amended, altered or repealed by the committee. The designation and appointment of any committee and the delegation thereto of authority shall not operate to relieve the Board of Directors, or any individual Director, of any responsibility imposed upon it or him by law.

Section 4. **Committee Actions:** Committees actions shall be governed by written rules and procedures authorized by the Board. All actions of a committee shall be reported to the Board at the earliest possible meeting and all actions are subject to review by the Board and may be modified by Board action.

Article IX. Gifts to the Foundation

Section 1. **Foundation's Purpose and Intent:** It is the Foundation's intent to accept all gifts to the Foundation in furtherance of the Mission of the Foundation as stated in the Articles of Incorporation and these By-Laws. And to use such gifts for (i) charitable purposes, (ii) the production of a reasonable return over a reasonable period of time and (iii) such purposes and in such manner as not to disqualify the gift from deduction as a charitable contribution, gift or bequest in computing any federal income, gift or estate tax to the donor or the donor's estate and not to disqualify the Foundation from exemption from federal income tax as a charitable publically supported organization.

Section 2. **Gifts to the Foundation:** Donors may make gifts to the Foundation by naming or otherwise identifying the Foundation, whether or not a Director, custodian or agent is designated to receive the property contributed. Prior to acceptance, all gifts to the Foundation will be reviewed in accordance with the Gift Acceptance Policy and Procedures. Donors to the Foundation agree that donated funds are solely to be used subject to the provisions of the Foundation's mission and policies.

The Foundation will accept gifts in three categories: (i) endowed, (ii) restricted or (iii) unrestricted. An endowed fund must be funded at a minimum of \$10,000; in case this minimum is not reached within five years of the establishment of the fund those funds received will be placed in a general Foundation endowment and used to support Foundation philanthropic priorities. Gifts to endowed funds (the fund corpus) may not be spent but will be prudently invested by the Foundation and the earnings will be used to support Foundation philanthropic priorities in accordance with any donor restrictions (see C below). Restricted funds will be spent in accord with Foundation policy and donor restrictions. Unrestricted funds may be used to support any Foundation priority.

Section 3. **Donor Restrictions:** A Donor, in making a gift to the Foundation must designate the gift as endowed, restricted or unrestricted accepting the Foundation policies applying to each fund type. In making an endowed or restricted gift, the Donor may identify the field of charitable purpose or particular charitable organization(s) to be supported which are in accord with federal rules regarding the use of tax-exempt charitable funds and name the fund created by the gift. A donor may not impose any material restriction or condition contrary to law or that prevents the Foundation from freely and effectively utilizing the gifts or the income derived from them in furtherance of the Foundation's charitable purposes.

Section 4. **Powers of the Board of Directors with Respect to Gifts:** If a restriction by a donor would result in a use contrary to the mission and intent of the Foundation, or the Board of Directors is advised by counsel that there is a substantial risk that application of the funds as designated by the donor would result in a use contrary to mission and purpose of the Foundation, then subject to these By-Laws, the direction given by the Donor shall not be followed and shall be varied by the Board of Directors so far as necessary to avoid a contrary result.

Article X. Grant-Making

Section 1. **Policies and Procedures.** The Foundation will make grants in accordance with its Grant Policy and Procedures and its Spending Policy as established by the Board of Directors.

Article XI. Monetary Matters

Section 1. **Funds and Borrowing:** The depository for Foundation funds, the persons entitled to draw against these funds, the persons entitled to borrow on behalf of the Foundation and the manner of accomplishing these matters will be determined by the Board of Directors.

Section 2. **Compensation and Pecuniary Benefits:** No Director or Officer will receive directly or indirectly any income, profit, compensation or pecuniary benefit from the Foundation, except that the Foundation may reimburse them for expenses incurred on behalf of the Foundation if such expenses had received prior authorization from the Board and are properly documented. In no case will Directors or Officers be compensated or reimbursed for expenses associated with attending Board meetings.

Section 3. **Dissolution of Foundation:** No Director or Officer will receive at any time any of the net earnings of the Foundation, or share in any of the Foundation assets upon dissolution of the Foundation.

Article XII. Indemnity

Section 1. **Indemnity.** The Foundation will indemnify each Director of the Foundation and their heirs, legal representatives and assigns against expenses, costs and attorney's fees actually and reasonably incurred in connection with the defense of any action, suit or proceeding, civil or criminal, in which the Director is made a party by reason of being or having been a Director of the Foundation. The indemnification may include any amounts paid to settle a judgment or to compromise or settle a claim. A Director will not be indemnified if he or she is adjudged to have been guilty of willful misconduct or recklessness in the performance of duties to the Foundation.

Article XIII. Insurance

Section 1. **Liability Insurance.** The Foundation shall maintain Officers and Directors liability insurance.

Article XIV. By-Law Amendments

Section 1. **Amendments Process.** These By-Laws may be amended or repealed by the majority vote of the Board of Directors, then in office, only after Notice of the proposed Amendment has been provided to the Board five (5) days in advance of the meeting at which such an amendment is considered. Electronic voting shall not occur for By-Law amendments.

Article XV. Execution of By-Laws

Section 1. **Execution Authority.** The initial By-Laws and any subsequent By-Laws whether by amendment, repeal or new adoption shall be executed by two (2) authorized officers of the corporation.

Policies and Procedures

Grant-Making Guidelines

Our Goals and Policies

Las Vegas, New Mexico is a unique place and community straddling the front range of the southern Rocky Mountains and the “buffalo” commons plains to the east. This site has nurtured consequential historical events and rich cultural diversity in the nearly two centuries since the communities’ founding in 1835-36. Today this legacy is preserved through the natural resources, historic architecture, and cultural heritage of the region by countless dedicated former and current residents.

The Las Vegas, New Mexico Community Foundation’s vision is to “Help Las Vegas Thrive” and its mission strives “to attract and develop resources to broadly serve the greater Las Vegas community and its residents through giving, programs and policies.”

The Foundation will support, as resources permit, the efforts of local people and organizations to foster and promote a healthy and thriving community. A healthy and thriving greater Las Vegas community focuses its efforts on productive dialogue, collaborative action, team building and unity of purpose. Therefore, our community will bond and prosper in the benefits of a strong education system; abundant physical activity and recreational opportunities; adequate, affordable, and effective health care; preservation of natural and cultural resources; quality of life for all residents and older adults; rich artistic and cultural expression; and vibrant entrepreneurial enterprises. Successful applications will nominate projects in the fields of education, arts and culture, health, community service or community development, preservation of natural and historic resources, and advance one or more of the following objectives:

- Address and help resolve important existing or emerging community issues that can make a positive contribution to a healthier and thriving community
- Promote cooperation and collaboration among other local or regional organizations
- Identify, enhance and develop leadership in the community through creative and innovative ideas that empower individuals
- Improve the quality or scope of charitable work in the greater Las Vegas community
- Recognize that cultural or economic differences do not limit access to health, education or employment. Ensure that diverse audiences enjoy the many arts and cultural heritages of our region. Encourage that all sectors of our community take responsibility for ensuring a healthy community.

Initial Grants and Scope of Support

The Las Vegas, NM Community Foundation is in its founding phase, seeking both donors and grant applicants. The LVNMCF intends to award a modest program of initial grants before December 31, 2017. Currently the community is enjoying enhanced community activity and the LVNMCF wishes to enhance revitalization efforts.

The LVNMCF will announce an inaugural grant program in Fall 2017 to support and fund applications for catalytic community projects that embrace and promote the Foundation’s vision, mission and policies stated here above. The first LVNMCF “Community Building” grants will be awarded in the areas of education, health care, natural conservation, cultural and historic

preservation, arts and culture, and community development. Project funding areas are more completely described below.

EDUCATION

Building on Great Institutions

Apart from our goals of helping citizens meet basic needs, LVNMCF and our partners plan initiatives for education and information access, creating a firm foothold and making possible the step-up for individuals and families to think and do differently, and thereby to contribute to positive change in our communities. Many would agree that education is key to a child's success in life, to the stability of a skilled and robust workforce, and to the health of a community's future. The LVNMCF wishes to support our existing strong network of local schools, colleges and universities to constantly improve, innovate and provide our residents access to a high quality education.

HEALTH CARE

Growing Minds and Bodies

LVNMCF seeks to improve health and quality of life through the prevention and treatment of social, physical and mental health conditions by investing in the promotion of healthy behaviors. Supporting health is not just about good physical and mental health. It also includes access to health care, preventative activities, spiritual nourishment, healthy choices and healthy foods. Through this path we work to support the development of a community environment where people feel safe and can lead a healthy lifestyle.

NATURAL CONSERVATION

Nurturing Our Precious Sacred Place

LVNMCF investments in the natural environment enable the community to permanently protect traditional farmland, preserve water habitat, and maintain the scenic aspects of Las Vegas, San Miguel County and our critical watersheds. Emphasis is on local land-based traditions and culture as well as increasing public awareness of the overall benefit of land preservation.

CULTURAL and HISTORIC PRESERVATION

Promoting Stewardship of a Distinctive American Legacy

LVNMCF aspires to help preserve cultural, historic and architectural preservation projects that protect the rich heritage of the community and region. Las Vegas is proud of its strong diversity tempered through decades of mutual dependency, cooperation and also strife. The contributions of many cultures over the years is reflected in the histories, architectures and expressions that have fascinated and captivated all audiences.

ARTS and CULTURE

Encouraging Original Expressions

LVNMCF values the experience and wisdom of local artists in all their diversity and affirms their power to unite and build social change. It is through the support of our music, our literature, our art, drama and dance that we tell the story of our past and we express our hopes for the future. Artists challenge our assumptions and push us to view our world in new and unexpected ways.

COMMUNITY DEVELOPMENT

Infrastructure for Evolving Neighborhoods

LVNMCF recognizes the ongoing challenges of adapting community networks, organizations and infrastructures for a global economy and new lifestyles. Through sound planning principles and procedures and governance, Las Vegas may enhance its quality of life and implement community projects that provide attractive public facilities and dynamic public programs. LVNMCF hopes to positively impact sustainability and social equity.

Who is Eligible?

- Grant applications will be accepted from organizations that:
- Are located or serve the people of San Miguel and Mora Counties
- Are tax-exempt under Section 501(c)(3) of the Internal Revenue Code or are a public or governmental agency, or that have a qualified fiscal sponsor
- Employ staff and provide services without discrimination on the basis of race, religion, sex, age, national origin, disability, or sexual orientation, and
- Are at least one year old.

What We Don't Fund

Religious Projects or Purposes
Capital Campaigns or Endowments
Scholarships
Individuals
Private School Tuition or educational assistance

Towards the Future....

As the Las Vegas, NM Community Foundation matures and evolves, the Board of Directors may choose to modify and adapt our grant making policies.

In addition to the completed application, the following items must be submitted with each grant proposal:

- Completed Las Vegas, New Mexico Community Foundation grantee authorization
- List of all recent grants received and pending for this project AND all grants received from the Las Vegas, New Mexico Community Foundation within the last 24 months
- Documents listed in Part C of application (????)

Naturally, not all projects can be funded. A denial should not be viewed as a negative reflection on your work, but rather a reflection on the amount of funding available. You will be notified in writing on the status of your grant.

Document Retention and Destruction Policy

Adopted June 2017

- A. **Purpose.** Records should not be kept if they are no longer needed for the operation of the Foundation or required by law. Unnecessary records should be eliminated from the files. The cost of maintaining records is an expense which can grow unreasonably if good housekeeping is not performed. A mass of records also makes it more difficult to find pertinent records.
- B. **Exception for Litigation Relevant Documents.** The Foundation expects all directors, officers, and employees to comply fully with any published records retention or destruction policies and schedules, provided that all officers, directors, and employees should note the following general exception to any stated destruction schedule: If you believe, or the Foundation informs you, that corporate records are relevant to litigation, or potential litigation (i.e. a dispute that could result in litigation), then you must preserve those records until it is determined that the records are no longer needed. That exception supersedes any previously or subsequently established destruction schedule for those records.
- C. **Email.** Email that needs to be saved should be either (1) printed in hard copy and kept in the appropriate file, or (2) downloaded to a computer file and kept electronically or on disk as a separate file. The retention period depends upon the category of the email.
- D. **Document Destruction.** The Document Retention and Destruction Policy identifies the record retention responsibilities of staff, volunteers, members of the board of directors, and outsiders for maintaining and documenting the storage and destruction of the organization's documents and records. The Foundations' staff, volunteers, members of the board of directors, committee members and outsiders (independent contractors via agreements with them) are required to honor the following rules:
1. Paper or electronic documents indicated under the terms for retention in the following section will be transferred and maintained by the secretary;
 2. All other documents will be destroyed after three years;
 3. No paper or electronic documents will be destroyed or deleted if pertinent to any ongoing or anticipated government investigation or proceeding or private litigation (check with legal counsel or the human resources department for any current or foreseen litigation if employees have not been notified); and
 4. No paper or electronic documents will be destroyed or deleted as required to comply with government auditing standards (Single Audit Act).
- E. **Document Retention Schedule.** The following table indicates the minimum requirements for retention of records and is provided as guidance in the corporation's document retention policy. Because statutes of limitations and state and government agency requirements vary, the corporation should carefully consider its requirements and consult with legal counsel as needed. In addition, federal awards and other government grants may provide for a longer period than is required by other agencies.

This retention schedule conforms with the charitable laws of states which give the Attorney General an extended statute of limitations (10 years) within which to bring an action for

breach of charitable trust.

| Type of Document | Minimum Requirement |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Accounts payable/receivable ledgers and schedules | 10 years |
| Audit reports | Permanently |
| Bank statements | 10 years |
| Cash books | 10 years |
| Checks (canceled, with exception below) | 10 years |
| Checks (canceled, for important payments and purchases, i.e. taxes, purchase of property, special contracts, etc. [checks should be filed with the papers pertaining to the underlying transaction]) | Permanently |
| Contracts, mortgages, notes, and leases (after expiration) | 10 years |
| Correspondence (general) | 4 years |
| Correspondence (legal and important matters) | Permanently |
| Depreciation schedules | 10 years |
| Donation records of endowment funds and of significant restricted funds | Permanently |
| Donation records, other | 10 years |
| <p><i>Note: Donation records include a written agreement between the donor and the charity with regard to any contribution, an email communication or notes of or recordings of an oral discussion between the charity and the donor where the representative of the charity made representations to the donor with regard to the contribution on which the donor may have relied in making the gift.</i></p> | |
| Duplicate deposit slips | 10 years |
| Employee personnel records (after termination) | 7 years |
| Employment applications, compensation & tax documents | 4 years |
| Expense analyses/expense distribution schedules (includes allowance and reimbursement of employees, officers, etc., for travel and other expenses) | 10 years |
| Financial statements (year-end) | Permanently |
| Insurance records, current accident reports, claims, policies, and so on (active and expired) | Permanently |
| Internal reports and audits | 3 years |

| Type of Document | Minimum Requirement |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| Inventory records for products, materials, and supplies | 10 years |
| Invoices (to customers or from vendors) | 10 years |
| Minute books incl. Bylaws and Articles of Incorporation | Permanently |
| Payroll records and summaries including retirement and pension records | 10 years |
| Purchase orders | 3 years |
| Personnel files (terminated employees) | 7 years |
| Sales records | 10 years |
| Scrap and salvage records | 10 years |
| Tax returns and worksheets, revenue reports, and other documents relating to determination of tax liability and nonprofit tax status (i.e. Articles of Incorporation, IRS documents, etc.) | Permanently |
| Timesheets | 10 years |
| Volunteer records | 3 years |

Resources

- Model Document Retention Policy for Nonprofits, by Thomas Silk (<http://www.blueavocado.org/content/model-document-retention-policy-nonprofits>)
- Document Retention Policies – National Council of Nonprofits (<http://www.councilofnonprofits.org/document-retention-policies>)
- Sample Document Retention Policy- AICPA – Adapted from National Council of Nonprofits (<http://www.councilofnonprofits.org/sites/default/files/Sample%20Doct%20Retention%20Policy%20AICPA.docx>)
- Business Records Retention – Nevada Association of Employers (http://www.nae-online.org/members/business_records_retention.pdf)
- Nevada State Retention Schedules – State Library and Archives (http://nsla.nevadaculture.org/index.php?option=com_content&view=article&id=504&Itemid=430) and (<http://nsla.nevadaculture.org/dmdocuments/generalschedules.pdf>)

Harassment-Free Workplace Policy
Adopted 6/14/2017

This Corporation is committed to a workplace free of all forms of harassment, including sexual harassment. It is the policy of this to regard any unlawful harassment of employees or applicants for employment as a very serious matter. Unlawful harassment of any kind, including sexual harassment, in the workplace by any person is strictly prohibited.

Definitions

- A. "Unlawful Sexual harassment" includes: unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:
1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
 2. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
 3. such conduct is severe or pervasive and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or abusive environment.
- B. Conduct which falls within the definition of unlawful sexual harassment may include, but is not limited to:
1. Unwelcomed physical contact of a sexual nature such as patting, pinching or unnecessary touching.
 2. Overt or implied threats against an individual to induce him or her to perform sexual favors or engage in unwelcomed sexual relationships.
 3. Verbal harassment or abuse of a sexual nature, including intimating by way of suggestion a desire for sexual relations or the making of jokes or remarks of a sexual nature to or in the presence of an individual who finds them offensive.
 4. Use of sexually suggestive terms or gestures to describe an individual's body, clothing or sexual activities.
 5. Displaying, printing, or transmitting offensive sexually suggestive pictures or materials in the workplace.
- C. This policy is not intended to create needless intrusions on the freedom of speech or expression of employees nor to regulate employee's personal morality. It is intended to prevent any unlawful harassment in the workplace.

- D. This policy shall be conspicuously posted for viewing by applicants and employees. Each employee shall read this policy and familiarize themselves with it. Upon their hire, each employee shall sign an acknowledgment of having received, reviewed and understood this policy. The acknowledgment shall become a part of the employee's personnel file.

Complaint Procedure

- A. Any employee or applicant for employment who believes that he/she has been subjected to any form of unlawful harassment in the workplace is expected and has a responsibility to report the matter. Any complaints of unlawful harassment should be made to the President. An employee or applicant need not contact anyone that the employee or applicant believes to be an involved party. All complaints of unlawful harassment should be made within 60 days of the alleged harassment. Thereafter, a formal complaint form must be completed and signed by the complainant. Any managerial employee who becomes aware of an alleged incident of unlawful harassment must report it to the President, or, if the matter involves the President, to the Alternate.
- B. If an employee's complaint involves the President the complaint should be made directly to to Chairperson of the board of director. For such complaints the requirements specified for the President in the remaining paragraphs of this Policy shall not apply. Instead, the Chairperson President shall investigate the complaint and make a report to the Board. If the complaint is unsubstantiated, the complainant and the President shall be so advised. If it appears that there may be a basis for the complaint, the complaint shall be presented to the Board for further investigation and remedial action where appropriate.
- C. The President as the case may be, shall immediately record any complaint he/she receives on a complaint form regardless of the manner in which the complaint is received, indicating the date, persons involved, and a brief statement of the complaint. The complainant shall sign the complaint form. The President shall give a copy of the complaint to the alleged offender. All complaints shall be confidential to the extent possible.
- D. The President shall conduct an investigation within 10 working days of receiving the complaint. The investigation shall include an interview with the complainant, the alleged offender, and any other persons who have knowledge of the subject of the complaint. The or President or Alternate, as the case may be, within a reasonable time make written findings and a written determination.
- E. If the President or Alternate finds that the complaint is unsubstantiated, the complainant and the alleged offender shall be advised of the right to appeal the decision to the Board of Directors. The appeal must be made within 30 days of receipt of notice to the complainant. The notice to the complainant shall contain the name and address of the Chairperson of the Board of Directors.

- F. If the President finds that there is a basis for the complaint, the President shall take the appropriate remedial action, including but not limited to suspension or termination. The President shall advise the complainant and the alleged offender of the decision. The President shall also advise the complainant of the remedial action taken against the alleged offender, as well as the right of the complainant to appeal to the Board if he/she is not satisfied with the decision and/or the remedial action taken. Any appeal shall be filed with the Board Secretary with a copy to the President, within 30 days of notice to the complainant of the President's decision. The notice of appeal shall contain a statement of the grounds relied upon by the complainant.

- G. The Corporation encourages and expects applicants and employees to immediately report any incidents of perceived unlawful harassment and to cooperate with any investigation of a complaint of unlawful harassment. The Corporation strictly prohibits any retaliation against any applicant or employee for filing a complaint of perceived unlawful harassment or participating in the investigation of such complaint.

Whistleblower Protections

The Las Vegas, New Mexico, Community Foundation commits to behaving in an ethical manner and in accordance with all laws, applicable rules and regulations, and policies and procedures. It is the policy of the Foundation to encourage individuals to bring to the attention of Board of Directors, preferably in writing, their concerns regarding any conduct they believe is legally or ethically questionable including possible instances of corporate fraud, unethical business practices, conflicts of interest, or violations of state or federal law (“Unethical Conduct” or “Conduct”).

No person who has been accused in the complaint will participate in the investigation or resolution of the complaint. If necessary, due to the disqualification of the persons who would normally process the complaint, the investigation and resolution of the complaint will be done by the Chair of the Board, Vice-Chair or a designee. The Foundation also prohibits any form of retaliation, including discrimination, against any individual who reports any truthful information relating to the commission or possible commission of any crime to an officer or employee of a federal agency. Such retaliation will be considered the basis for disciplinary action, including possible termination of employment, or of any contract for services. In addition, individuals performing services for the Foundation risk criminal penalties if they are found to have violated the law prohibiting such retaliation.

Non-Discrimination Policy

The Las Vegas, New Mexico, Community Foundation does not and shall not discriminate on the basis of race, ethnicity, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations. These activities include, but are not limited to, hiring and firing of staff, selection of volunteers and vendors, and provision of services. We are committed to providing an inclusive and welcoming environment for all members of our staff, clients, volunteers, subcontractors, vendors, and clients.