
American Institutes for Research

January 1, 2023

Affirmative Action Program for Minorities and Females

This affirmative action program is effective from
January 1, 2023 to December 31, 2023

Virginia (Headquarters)



Top U.S. Official: David Myers, Chief Executive Officer

AA/EEO Official: Lesley Sepanloo, Senior Vice President, Human Resources

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Confidential Trade Secret Materials

Certain material associated with this program is deemed to be sensitive and confidential commercial and financial data, the public disclosure of which could cause commercial harm to American Institutes for Research (“AIR”). In addition, all statistical components of this program, including any and all data pertaining to employee compensation, workforce structure (including the ratios between and among job groups and EEO-1 categories), the organizational profile, final availability and placement rate goals, job group analysis report, identification of any problem areas and supporting information pertaining to employment activity, any determinations of adverse impact and any determinations of problems in workforce distribution and employment policies and practices, or the analyses of any of the foregoing, are deemed to constitute trade secrets, operations information, confidential statistical data and other confidential commercial and financial data within the meaning of the Freedom of Information Act (FOIA), 5 U.S.C. §552 *et. seq.*, Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e *et seq.*, the Trade Secrets Act, 18 U.S.C. §1905, and 44 U.S.C. §3508, the disclosure of which is prohibited by law and would subject the individual making the disclosure to criminal and/or civil sanctions. This material has not been disclosed to the public, and should not be, since such disclosure could cause substantial competitive harm to AIR. Therefore, in accordance with 29 C.F.R. §70.26(c) – (e), we expect that AIR will be notified in writing by the agency prior to disclosure of any request for information pertaining to all or any part of this program, and that AIR shall be given an opportunity to present its objection to disclosure.

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I. Introduction: Affirmative Action Program for Minorities and Females

The American Institutes for Research (“AIR”) Affirmative Action Program (“AAP”) is designed to satisfy its equal employment opportunity and affirmative action responsibilities under Executive Order 11246, as amended, and the implementing rules and regulations of the Secretary of Labor. A separate AAP for protected veterans and individuals with disabilities has been adopted by AIR.

The AAP covers all applicants and employees. As described in detail in the program that follows, AIR has a continuing commitment to implementing the practices and actions of its AAP.

The AAP, absent data metrics, is available for inspection upon request by any employee or applicant for employment Monday through Friday during normal business hours by contacting the HR Service Center (HRService@air.org).

II. Statement of Policy

AIR is an equal opportunity employer that does not discriminate on the basis of any characteristic protected by applicable federal, state or local law, including, but not limited to, actual or perceived race (including traits historically associated with race, such as hair texture, hair type, and protective hairstyles such as braid, locks, and twists), creed, color, religion, alienage or national origin, ancestry, citizenship status, age, physical or mental disability, medical condition (e.g., cancer), sex, gender, gender identity or expression (including transgender status), sexual orientation, marital status, civil union status, pregnancy, childbirth or related medical conditions, genetic information, or military or veteran status. AIR's management team is dedicated to ensuring that all personnel actions, including with respect to recruiting, employment, placement, upgrading, demotion or transfer, reduction of workforce and termination, rates of pay or other forms of compensation, selection for training, the use of all facilities, and participation in AIR-sponsored employee activities are made without regard to the foregoing characteristics and that employment decisions are based on valid job requirements.

As part of AIR's equal employment opportunity policy, AIR will also take affirmative action as called for by applicable laws and Executive Orders to ensure that minority group individuals, females, protected veterans, and qualified individuals with disabilities have an equal opportunity for employment and are introduced into our workforce and considered as promotional opportunities arise. David Myers, President & Chief Executive Officer, fully supports AIR's equal opportunity and affirmative action policies.

Employees and applicants shall not be subjected to harassment, intimidation, threats, coercion, discrimination, or any other form of retaliation because they have: (1) made a complaint regarding a violation of equal employment opportunity; (2) assisted or participated in an investigation, compliance review, hearing or any other activity related to the administration of any federal, state, or local law requiring equal employment opportunity; (3) opposed any act or practice made unlawful by any federal, state, or local law requiring equal opportunity; or (4) exercised any other legal right protected by federal, state, or local law requiring equal opportunity.

The above-mentioned policies shall be periodically brought to the attention of supervisors. It is the responsibility of each supervisor of AIR to ensure affirmative implementation of these policies to avoid any discrimination in employment. All employees are expected to recognize these policies and cooperate with their implementation. Violation of these policies is a disciplinary offense.

Lesley Sepanloo, Senior Vice President, Human Resources (referred to in this document as the "Senior VP of Human Resources"), is assigned to direct the establishment of and to monitor the implementation of personnel procedures to guide the affirmative action program throughout AIR, with the assistance and support of other members of management, including the Chief Diversity, Equity, and Inclusion Officer. The Senior VP of Human Resources will have responsibility to review and update AIR's affirmative action program annually, including responsibility for the audit and reporting system.

The attached appendices contain further information concerning AIR's compliance with OFCCP's sex discrimination regulations and religion and national origin guidelines and AIR's policies on prevention of harassment on the basis of sex, race, color, religion, national origin, age, protected

veteran status, disability, gender identity or expression (including transgender status), sexual orientation, pregnancy, childbirth or related medical conditions, or other characteristics protected by applicable federal, state or local laws.

III. Harassment

AIR has developed and implemented policies and procedures to ensure that its employees are not harassed because of their sex, race, color, religion, national origin, age, protected veteran status, disability, gender identity or expression (including transgender status), sexual orientation, pregnancy, childbirth or related medical conditions, genetic information, or other characteristics protected by applicable federal, state or local laws.

IV. Responsibility for Implementation

Pursuant to the requirements under 41 C.F.R. §60-17 (a), AIR has assigned the overall responsibility and accountability for its equal employment opportunity and AAP to Lesley Sepanloo, Senior Vice President, Human Resources, who has the authority, resources, support of and access to top management to ensure effective implementation of the AAP. Further information concerning implementation and administration of the plan are contained throughout this document. It is AIR's objective to ensure full adherence to its equal employment opportunity policy and to the AAP.

V. Identification of Problem Areas

Pursuant to the requirements under 41 C.F.R. § 60-2.17 (b), AIR periodically performs in-depth analyses of its total employment process to determine whether and where any apparent disparities may exist, review the underlying causes and implement action-oriented programs to correct any problems identified. These analyses include the following evaluations, as applicable:

- (1) Workforce by organizational unit and job group to determine whether there appear to be problems of minority or female utilization or of minority or female distribution;
- (2) Personnel activity, including applicant flow, hires, terminations, promotions and other personnel actions, to determine whether there appear to be selection disparities;
- (3) Compensation system to determine whether there appear to be gender-, race- or ethnicity- based disparities;
- (4) Selection, recruitment, referral, and other personnel procedures to determine whether they result in disparities in the employment or advancement of minorities or females; and
- (5) Any other areas that might impact the success of the AAP.

VI. Composition of the Workforce

A. Organizational Profile

Pursuant to the requirements under 41 C.F.R. §60-2.11, AIR completes an organizational profile. The organizational profile provides an overview of AIR's workforce that may assist in identifying organizational units where females or minorities are underrepresented or concentrated. AIR creates a workforce analysis as its organizational profile. The workforce analysis lists job titles in each of AIR's organizational units from the lowest paid to the highest paid and indicates the number of women and minorities in each position.

B. Job Group Analysis

Pursuant to the requirements under 41 C.F.R. §60-2.12, AIR combines job titles at the company with similar content, wage rates, and opportunities to form job groups. Pursuant to the requirements under 41 C.F.R. §60-2.13, AIR separately states the percentage of minorities and females it employs in each job group.

C. Determining Availability

Pursuant to the requirements of C.F.R. §60-2.14 (b), AIR calculates estimated "availability" rates for minorities and women in each job group.

Pursuant to the requirements under 41 C.F.R. §60-2.14 (c) (1) and 41 C.F.R. §60-2.14 (c) (2), AIR considers the percentages of qualified minorities and women within the company (internal availability) and within a reasonable recruitment area (external availability) who may be available for hiring, transfer or promotion into the job group. The 2014-2018 American Community Survey (ACS) EEO Tabulation, released by the United States Census Bureau, is used for external availability to determine the percent of qualified minorities and females in a reasonable recruitment area.

Internal availability is calculated by reviewing actual historical hiring and internal placement activities and reviewing demographic data for those employees who could, with appropriate training provided by AIR, become promotable or transferable during the AAP year. Internal availability and external availability are weighted to obtain a composite availability percentage.

D. Comparing Incumbency to Availability; Underutilization

Pursuant to the requirements of 41 C.F.R. §60-2.15 (a), AIR compares the percentage of minorities and women in each job group to the availability rate to determine if "underutilization" exists, meaning that the percentage of minorities or women in a group is less than would reasonably be expected given their availability percentage.

E. Placement Goals

Pursuant to the requirements of 41 C.F.R. §60-2.16, whenever "underutilization" of minorities or women exists in any job group, AIR establishes a percentage annual placement goal equivalent to the relevant availability estimate for that job group. A placement goal is not a finding or admission of discrimination.

(1) Placement goals are used to measure progress toward achieving full utilization of qualified women and minorities consistent with their availability. AIR will use good faith, nondiscriminatory efforts toward meeting goals by ensuring equal opportunity and making all aspects of its affirmative action plan work.

(2) Placement goals are not rigid and inflexible quotas, which must be met, nor are they to be considered as either a ceiling or a floor for the employment of particular groups.

(3) In all employment decisions, AIR makes selections in a nondiscriminatory manner. Placement goals do not provide a justification to extend a preference to any individual, select an individual, or adversely affect an individual's employment status, on the basis of that individual's race, color, religion, sex, or national origin.

(4) Placement goals do not create set-asides for specific groups, nor are they intended to achieve proportional representation or equal results.

(5) Placement goals are not used to supersede merit selection principles, nor do these goals require AIR to hire a person who lacks qualifications to perform the job successfully or hire a less qualified person in preference to a more qualified one.

Progress made toward meeting goals in underutilized job groups, if identified in the previous year plan, is reviewed annually, and new goals are set annually to address any current underutilization. AIR will continue to identify and carry out good faith efforts to reach goals, including new or changed procedures when past procedures have not been effective, and implement action-oriented programs.

VII. Personnel Activity

Pursuant to the requirements of 41 C.F.R. §60-2.17 (b) (2), AIR performs analyses of its employment processes to determine whether and where impediments to equal employment opportunity may exist. AIR evaluates personnel activity (applicant flow, hires, promotions and terminations) to determine whether there appear to be disparities in results for minorities or females. In the event of disparities, the underlying causes are explored to assure the company's non-discrimination policy is carried out, and action-oriented programs are developed and executed to correct any problem areas, remove any identified barriers, and expand equal employment opportunity.

New hire activity, by job group, is reviewed annually.

VIII. Compensation

Pursuant to the requirements of 41 C.F.R. §60-2.17 (b) (3), AIR evaluates its compensation system to determine whether there appear to be gender-, race-, or ethnicity- based disparities. If AIR discovers significant compensation differences, it will determine whether they are the result of legitimate and nondiscriminatory factors (e.g., tenure, time in job, performance, education, previous experience). Where appropriate, AIR will take all reasonable steps to make any necessary adjustments.

AIR will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own compensation (including benefits) or the compensation of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the compensation of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is (a) in response to a formal complaint or charge, (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by AIR , or (c) consistent with AIR's legal duty to furnish information.

IX. Personnel Procedures and Action-Oriented Programs

Pursuant to the requirements under 41 C.F.R. §60-2.17 (c), AIR develops and executes action-oriented programs designed to correct any problem areas identified pursuant to 41 C.F.R. §60-2.17 (b). AIR implements personnel procedures and conducts good faith efforts to remove identified barriers, expand employment opportunities, and produce measurable results.

Examples of efforts and action-oriented activities include:

- Jobs posted on minority and female focused job boards
- Advertising placed in population targeted publications
- Minority-focused college fairs / career events
- Minority and female focused conference attendance
- Search firms asked to focus on searching for minority candidates
- Recruiters trained in diversity recruiting
- Diversity fellowship program.

AIR applies good faith efforts and action-oriented programs to promotional opportunities. Open positions are posted and all employees can apply. Employees are also promoted through career paths that exist for many positions. Formal employee evaluation programs assist employees in their development. Training opportunities are made available for employees. AIR also demonstrates its interest and enthusiasm for providing advancement opportunities to minorities, women and other diverse employees through activities of its Diversity, Equity, and Inclusion Council and Employee Resource Groups.

X. Internal Audit and Reporting Systems

Pursuant to the requirements under 41 C.F.R. §60-2.17 (d), AIR developed and implements an auditing system that periodically measures the effectiveness of its AAP. This system includes the following:

(1) AIR will periodically monitor the progress toward affirmative action goals.

(2) The Senior VP of Human Resources identified in this AAP will continue to monitor records of applicant flow, referrals, placements, rejected offers, training, transfers, promotions, terminations, and any layoffs or recalls to ensure that AIR's non-discrimination policy is carried out. Procedures are reviewed and revised as problems are identified.

(3) Top management is and will continue to be informed of any problems that arise in their respective areas so that immediate and appropriate steps can be taken to resolve any issues.

(4) AIR recognizes its responsibility to engage in affirmative action and is committed to fulfilling this responsibility by complying with all government regulations and laws pertaining to equal employment opportunity. As part of this commitment, management will be kept abreast of developments in the affirmative action area. The primary vehicle for communication with management will be periodic affirmative action briefings.

(5) AIR will review report results with all levels of management as to the degree to which their affirmative action goals and compliance are being attained, and design and implement corrective actions, including adjustments in programs, as needed.

The Senior VP of Human Resources is responsible for executing these internal audits and reporting responsibilities.

APPENDIX A

COMPLIANCE WITH SEX DISCRIMINATION REGULATIONS

It is AIR's policy to prohibit all forms of discrimination and harassment against applicants and employees on the basis of sex, which includes gender, sexual orientation, gender identity or expression (including transgender status), and pregnancy, childbirth, or related medical conditions. The term "sex" as used below refers to all of these factors.

A. Recruitment and Advertisement

1. American Institutes for Research ("AIR" or "the Company") recruits applicants for employment without regard to sex, selecting candidates on the basis of their qualifications.
2. Job advertisements state the Company's policy of nondiscrimination.

B. Job Policies and Practices

It is AIR's policy to prohibit all forms of discrimination and harassment against applicants and employees on the basis of sex.

1. All qualified applicants and employees receive equal consideration for any available jobs without regard to sex.
2. AIR does not make any distinctions based upon sex in employment opportunities, wages, hours, benefits or other terms or conditions of employment.
3. There are no distinctions made based on the marital status or familial status of applicants or employees.
4. Applicants and employees may use restroom facilities consistent with their gender identity.
5. Customer or client preference is not a valid basis for adverse employment decisions based on sex.
6. AIR prohibits discrimination based on pregnancy, childbirth, or related medical conditions.
7. AIR compensates all employees based on bona fide job related factors, such as job classification, experience and ability.
8. There is no position at AIR for which sex is a bona fide occupational qualification.
9. There are no distinctions based on sex for inclusion in any training program.

C. Affirmative Action

1. Affirmative action is being taken to recruit women to apply for those jobs where they have been underutilized.

2. AIR is committed to providing women with opportunities for upward mobility.

APPENDIX B

COMPLIANCE WITH RELIGION AND NATIONAL ORIGIN GUIDELINES

It is the policy of American Institutes for Research (“AIR” or “the Company”) to recruit, hire, train and promote for all job titles without regard to religion or national origin. Discrimination against employees and applicants based on religion and national origin is prohibited. AIR’s employment practices are designed and implemented to ensure that applicants and employees at all job levels are treated without regard to their religion or national origin.

Recruitment and recruitment advertising is conducted in a way that does not imply a preference for people of specific religious backgrounds or national origins. AIR’s recruitment methods are designed to attract a diverse pool of applicants.

The Company will accommodate the religious observances and practices of all employees or prospective employees unless the accommodation will result in an undue hardship on the conduct of the business. In determining whether such undue hardship exists, the Company will consider factors such as business necessity; cost to the Company; and the impact of the accommodation on other employees.

APPENDIX C

PREVENTION OF SEXUAL HARASSMENT POLICY

AIR prohibits harassment of any employee or applicant on the basis of sex. Harassment because of sex includes harassment based on sexual orientation, gender, gender identity or expression (including transgender status); harassment based on pregnancy, childbirth, or related medical conditions; and harassment that is not sexual in nature but is because of sex or sex-based stereotypes. Harassment related to employment can occur and is prohibited both on and off AIR premises. Harassment of or by employees, applicants, contractors, customers, visitors, or others, is strictly prohibited and will not be tolerated. The purpose of this Policy is not to regulate personal morality within AIR; it is to ensure that all AIR employees are free from sexual harassment.

Federal regulations describe sexual harassment as sexual advances, requests for sexual favors, offensive remarks about a person's sex, and other verbal or physical conduct of a sexual nature when:

- (a) Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or
- (b) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, humiliating or offensive work environment.

While it is not easy to define precisely all types of conduct that could constitute sexual harassment, examples of prohibited behavior include unwelcome sexual advances, requests for sexual favors, pressure for dates, obscene gestures, displaying sexually graphic magazines, calendars or posters, sending sexually explicit text messages, e-mails and other verbal or physical conduct of a sexual nature, such as uninvited touching of a sexual nature or sexually related comments. Depending upon the circumstances, improper conduct also can include sexual joking, vulgar or offensive conversation or jokes, commenting about an employee's physical appearance, conversation about your own or someone else's sex life, or teasing or other conduct directed toward a person because of their sex, which is sufficiently severe or pervasive to create a hostile working environment.

Every report of perceived sexual harassment will be properly investigated and corrective action will be taken where appropriate. Violation of this Policy will result in disciplinary action, up to and including termination. To the extent possible and practicable, all complaints will be kept confidential. However, confidentiality cannot be guaranteed due to the need to investigate and impose any appropriate corrective action. In addition, AIR will not allow or condone any form of retaliation against individuals who report violations or potential violations of the Policy to management or who cooperate in the investigations of such reports in accordance with this Policy. Please refer to the AIR Employee Policy Manual, Subsection 1.6 Anti-Retaliation Policy for more details.

Individuals who are subject to or become aware of any behavior that may violate AIR's Sexual Harassment Policy are required to immediately notify their Human Capital Partner, the Director of Human Capital Partners, or the Senior VP of Human Resources. Please refer to the AIR Employee Policy Manual, Subsection 1.5 Complaint Procedure Policy for more details.

APPENDIX D

HARASSMENT POLICY

AIR is committed to maintaining a work environment free from intentional and/or unintentional harassment of any individual by another person on the basis of any characteristic covered by its Equal Employment Opportunity Policy or otherwise protected by federal state or local law, including, but not limited to, actual or perceived race (including traits historically associated with race, such as hair texture, hair type, and protective hairstyles such as braid, locks, and twists), creed, color, religion, alienage or national origin, ancestry, citizenship status, age, physical or mental disability, medical condition (e.g., cancer), sex, gender, gender identity or expression (including transgender status), sexual orientation, marital status, civil union status, pregnancy, childbirth or related medical conditions, genetic information, or military or veteran status. Harassment related to employment can occur and is prohibited both on and off AIR premises. Harassment of or by employees, applicants, contractors, customers, visitors, or others, is strictly prohibited and will not be tolerated.

Harassment includes, but is not limited to, verbal or physical abuse or ridicule, including slurs, epithets, and stereotyping, offensive teasing, jokes, comments, looks, questions, or non-verbal gestures; threatening, intimidating, or hostile acts; displaying or distributing offensive materials, writings, graffiti, or pictures, and unwanted telephone calls, text messages, e-mail messages, or letters.

Every report or formal complaint of perceived harassment will be properly investigated and corrective action will be taken, where appropriate. Violation of this Policy will result in disciplinary action, up to and including termination. To the extent possible and practicable, all complaints will be kept confidential. However, due to the need to investigate and impose any appropriate corrective action, confidentiality cannot be guaranteed. In addition, AIR will not allow or condone any form of retaliation against individuals who report violations or potential violations of this Policy to management or who cooperate in the investigations of such reports in accordance with this Policy. Please refer to the AIR Employee Policy Manual, Subsection 1.6 Anti-Retaliation Policy for more details.

Individuals who are subject to or become aware of any behavior that may violate AIR's Harassment Policy are required to immediately notify their Human Capital Partner, the Director of Human Capital Partners, or the Senior VP of Human Resources. Please refer to the AIR Employee Policy Manual, Subsection 1.5 Complaint Procedure Policy for more details.