

Grantee Non-Discrimination Statement and Screening Policy

Equity is a core organizational value, shaping our institutional mission, how we work with each other, our aspirations for social change, and our work with grantees and partners across the country. In December of 2019, *Equity* joined *Creativity, Opportunity, Partnership, Respect, and Stewardship* as a sixth organizational value, with the following frame:

“Equity to us means that all people — regardless of race, ethnicity, age, gender, sexual orientation, religion, zip code, health and ability status, or any other consideration — have equal and inviolable dignity, value, and opportunity to participate justly, fairly, and fully in all dimensions of civic and economic life . . . to prosper . . . and to reach their full potential.”

Kresge promotes an inclusive culture that embraces what binds us while also critically examining the racial, cultural and social context of systemic inequities in our society. We believe that equity is both a process and an outcome and therefore are compelled to relentlessly use our power to dismantle barriers that impede equitable opportunity for each other and for the communities that we serve.

The Kresge Foundation strives to working alongside and support partner organizations that reflect and promote diversity, equity and inclusion into their work, governance boards and staff and value the role of equity in the delivery of services to communities and people who have experienced discrimination and marginalization or have been underserved.

Becoming a grantee partner with the Foundation involves both the Foundation and grantee signing an agreement that outlines the terms of the relationship prior to receiving grant funds. The general form of the grant agreement can be found here:

<https://kresge.org/sites/default/files/library/kresge-form-grant-agreement.pdf>

We are sharing this sample grant agreement so that partner organizations have the opportunity to review and understand how Kresge structures these contractual relationships.

In 2019, the Foundation revised its grant agreement to add a non-discrimination provision, which reads as follows:

Non-Discrimination:

In carrying out the Project, the Grantee will comply with all applicable Federal and State Statutes and local laws relating to nondiscrimination. Notwithstanding the foregoing, the Grantee shall take affirmative action to ensure that employees are treated during employment and applicants are considered for employment, without

regard to their race, color, religion, sex, national origin, sexual orientation, ancestry, age, physical or mental handicap unrelated to ability, marital status, or unfavorable discharge from military service.

The Foundation regards a non-discrimination statement as a “screening” policy. The goal is to assess congruence between an organization’s practices and the Foundation’s commitment to diversity, equity and inclusion in its internal culture and external engagements.

Any organization which uses any of the categories outlined in the non-discrimination provision in staffing or hiring decisions, will not be eligible for Foundation grant opportunities (e.g., a religious test for employment or asking prospective employees their age as a determinant for employment, etc.). If the Foundation determines, subsequent to funding, that an organization has violated this policy or the terms of the grant agreement, the grantee may be required to return funds and will be prohibited from qualifying for any future grant awards.

Statement on Faith Based Organizations:

The Foundation acknowledges and appreciates statements of value and faith that guide the practices of faith-based organizations. However, those organizations that preclude or prohibit individuals of a different faith from serving on staff, will not be eligible for Foundation grant opportunities.

Summary of Key Grant Agreement Terms:

The grant agreement makes explicit the mutual expectations of the grantor and grantee. This clarity helps to prevent misunderstanding and to protect both parties should something unexpected happen.

The Foundation’s grant agreement includes provisions addressing such things as, what happens if and when the terms of the grant agreement are violated. What happens when the money donated for one purpose is used for another? What happens if reporting requirements are not fulfilled? Is the money to be returned? If so, how?

Some of the key provisions include the following:

Grant Term/Return of Funds: Requires the return of unused grant funds at the end of a grant term.

Termination/Withholding Payment: Provides the Foundation with the right to terminate, modify or suspend grant funds or payments if certain conditions occur.

Lobbying and Electioneering Prohibition/Anti-Terrorism: Provides limitation on use of grant funds for charitable, scientific, literary, religious, or educational purposes. The provision also addresses the restrictions on use of grant funds to influence the outcome of elections, earmarking for lobbying activities or support for legislation.

Guidelines for Reporting/Monitoring: Outlines reporting requirements during the grant term.

Non-Discrimination: Requires the grantee to comply with applicable non-discrimination laws and to take affirmative actions to ensure fair employment practices.

Grant Conditions: In order to avoid ambiguity, this provision makes clear to our grantees as to when a condition exists for a particular grant payment. If there are conditions that exist for which the Foundation would not make a grant payment unless specific criteria are met, they are listed in the grant agreement along with the related payment.