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| Title: NRAO/GBO HR Policy: Workplace Conduct | Date: Jan 2021 | Version: Public |
| Author: Human Resources | | |
| NRAO Doc. #: HR Policy 2.12 Employee Relations and Personal Conduct. HR Policy 2.13 Code of Ethics and Standards of Conduct. HR Policy 2.14 Workplace Bullying | | |

HR Policy Manual

Section 2: Workplace Rules of Engagement and Conduct

Subsections 2.12 – 2.14



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2.12 Employee Relations and Personal Conduct

The Observatory encourages supervisors to discuss work and work relationships with their employees. Employees may also wish to discuss certain matters with other employee support representatives (e.g., an Ombuds Representative). The supervisor should make it possible for the employee to do so without fear of retaliation.

As an integral part of maintaining an efficient, productive, and engaged workforce, supervisors should encourage each employee to freely discuss any matters, complaints, or problems related to the work environment. The supervisor may obtain any guidance or assistance needed from his/her superior or from the Human Resources Department. Further, if the matter is not satisfactorily adjusted or explained, the employee should feel no hesitancy in meeting with the next higher level of supervision or with the Site Human Resources Manager.

These policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristics, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion in order to avoid allegations of harassment. The law and the policies of the organization prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges, and prerequisites of employment. The prohibitions against harassment, discrimination, and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

2.12.1 Non-Discrimination and Sexual Harassment

The Observatory is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the Observatory expects that all relationships among people in the Observatory will be business-like and free of bias, prejudice, and harassment.

The Observatory has developed this policy to ensure that all its employees can work in an environment free from harassment, discrimination, and retaliation. The Observatory will make every reasonable effort to communicate this policy to all persons through periodic training, posted policy statement, and maintenance of the policy to ensure that all concerned are familiar with these policies and aware that any violation of such policies will be investigated and resolved appropriately.

All reports of harassment will be handled in a confidential manner and all allegations will be investigated promptly. All persons involved will be given a full and fair opportunity to present information relevant to the complaint and the privacy of everyone involved will be respected.

2.12.1.1 Equal Employment Opportunity

It is the policy of the Observatory to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, gender, age, disability, gender identity, gender expression, sexual orientation, marital status, national origin, or any other characteristic protected by law. The Observatory prohibits any such discrimination or harassment.

Further, as an equal opportunity and affirmative action employer, we maintain a non-discrimination policy, which supports a safe and productive workplace for all employees.

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In order to protect the rights and safety of any transgender or gender non-conforming employee the Observatory has a plan, which clarifies how our non-discrimination policies support the needs of each of these employees in order to support and maximize their workplace integration (See HR Policy 2.13.1.2 Human Relationships).

2.12.1.2 Definitions of Harassment

- (1) **Sexual harassment** constitutes discrimination and is illegal under federal, state, and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines (EEOC), as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a range of subtle as well as obvious behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: (i) unwanted sexual advances or requests for sexual favors; (ii) sexual jokes and innuendos; (iii) verbal abuse of a sexual nature; (iv) commentary about an individual's body, sexual prowess, or sexual deficiencies; (v) leering, whistling, or touching; (vi) insulting or obscene comments or gestures; (vii) display in the workplace of sexually suggestive objects or pictures; and (viii) other physical, verbal, or visual conduct of a sexual nature.

- (2) **Harassment on the basis of any other protected characteristic** is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, citizenship, or any other characteristic protected by law or that of his/her relatives, friends, or associates and that: (i) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: (i) epithets, slurs, or negative stereotyping; (ii) threatening, intimidating, or hostile acts; (iii) denigrating jokes; and (iv) written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace.

2.12.1.3 Individuals and Conduct Covered

These policies apply to all applicants, employees, and visitors, whether related to conduct engaged in by fellow employees or someone not directly connected to the Observatory (e.g., visitors, outside consultants, or vendors).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.

2.12.1.4 Reporting an Incident of Harassment, Discrimination, or Retaliation

The Observatory encourages reporting of all perceived incidents of discriminations, harassment, or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor, any member of

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the management, the Site Human Resources Manager, or any Ombuds representative.

If, for any reason, an individual does not wish to address the offender directly, or if such action does not successfully end the offensive conduct, the individual should notify the Site Human Resources Manager who may, if the individual so requests, talk to the alleged offender on the individual's behalf.

An individual reporting harassment, discrimination, or retaliation should be aware that the Observatory may decide it is necessary to take formal action to address such conduct beyond an informal discussion. This decision will be discussed with the individual.

The Observatory encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreversibly strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassments.

Any reported allegations of discrimination, harassment, or retaliation will be investigated promptly and confidentially. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

2.12.1.5 Retaliation Prohibited

The Observatory encourages reporting of all perceived incidents of discrimination or harassment. It is the policy to investigate such reports. The Observatory prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, is subject to disciplinary action. Acts of retaliation should be reported immediately to the Site Human Resources Manager and will be promptly investigated and addressed.

Misconduct constituting harassment, discrimination, or retaliation will be dealt with appropriately. Responsive action may include, for example: (i) training; (ii) referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase; (iii) reassignment; (iv) temporary suspension without pay; or (v) discharge, as the Observatory believes appropriate under the circumstances.

If a party to a complaint does not agree with its resolution, that party may appeal to the Observatory Director.

False and malicious complaints of discrimination, harassment, or retaliation as opposed to complaints which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

Following an investigation, the AD, Human Resources, in consultation with the cognizant Assistant Director and the Observatory Director, will decide the final action to be taken, including disciplinary action if



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appropriate. The goal of all actions undertaken will be to stop any harassment or discrimination that may have been identified and to prevent any further occurrence.

2.12.1.6 Features

- (1) This complaint procedure can be used by all employees, including temporary and part-time, co-op and summer students, and visitors to the Observatory.
- (2) All persons involved will be given a full and fair opportunity to present information relevant to the complaint.
- (3) The privacy rights of those involved will be respected. Information received while a question or request for advice is being discussed or a complaint is being investigated will be held confidential and disclosed only to the extent necessary to resolve the matter.
- (4) Complaints should be raised promptly and will be addressed in a timely manner.

2.13 Code of Ethics and Standards of Conduct

2.13.1 Principles and Values

2.13.1.1 General

From its beginnings more than fifty years ago, the Observatory has embraced certain principles and values that have become integral to its success. Every employee should make a personal commitment to these principles:

- *Highly skilled personnel working in a pleasant and professional environment*

The ability to attract and keep high-quality personnel is vital to our success. We hire excellent people, challenge them, and compensate them fairly and competitively.

We seek to maintain a work environment that fosters the highest standards of endeavor. We invest in training and development activities to keep employees on the cutting edge in their fields of expertise, and to prepare them for advancement.

Respect and consideration underlie all of our relationships, inside and outside the Observatory. Respect for the worth and dignity of individuals is repaid in cooperation, commitment to our work, and creative endeavors.

- *Confidentiality*

We maintain strict confidentiality. We protect the information our employees and users entrust to us, and the information we provide them. We do not make public disclosures or pronouncements of such information except as specifically authorized.

- *Compliance with contractual and legal requirements*

We strive to be fair and reasonable, and to follow good business practices in our dealings with clients and suppliers. We honor all laws, regulations, and contractual agreements in our business transactions and in the performance of our work for clients.

- *Business efficiency*

We conduct our research and business affairs in an efficient, business-like manner. Cost-consciousness imbues our activities. Our finance and accounting procedures meet all applicable government and

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industry standards.

2.13.1.2 Human relationships

Nothing is more revealing of an organization's ethical standards than the quality of the human relationships it fosters inside the organization. We are committed to treating all employees and other individuals with fairness and dignity.

We offer equal employment opportunity and foster it through affirmative action. We do not discriminate against employees or candidates for employment because of race, color, religion, sex, age, gender, disability, gender identity, gender expression, sexual orientation, marital status, national origin, veteran status, or other characteristic protected by law. Nor do we tolerate bullying, harassment or any form of discrimination on the basis of any other personal characteristic.

We believe that fairness and dignity foster cooperation and productivity. All of these traits are served by mutual respect and trust, which depend heavily upon open communication among and with employees. We therefore provide and support many channels for the airing and resolution of ideas, problems, and conflicts. The Observatory's policies and programs supporting a positive working environment include, but are not limited to:

- Non-Discrimination and prohibition against Sexual Harassment
- Affirmative Action Plan
- Diversity Policy
- Workplace Bullying Policy
- Grievance Procedure
- Gender Transition Plan (accessed at the HR or Diversity Webpages)

Good behavior is expected from all employees, regardless of their role in the Observatory. Good behavior is built on a foundation of:

- Professionalism - Always be professional. Talk to everyone in the same tone and be pleasant. Treat others with respect no matter how well or poorly they are performing.
- Honesty – Employees at all levels need to make the right choices. They need to own up to mistakes for the greater good. Admitting to mistakes will allow time to make corrections. Leaders can achieve this by letting employees know that they will not get in trouble for admitting a mistake.



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- Trust – Employees and leaders need to be able to count on each other. There must be an understanding of "I have your back."
- Responsibility – One of the most important workplace behavior ethics is responsibility. Each and every worker needs to know what is expected of them. It is then their responsibility to make sure they follow through. Employees have the responsibility of following policies and making the right decisions. Leaders can encourage ethical behavior in the workplace by holding everyone accountable, especially with regard to their own actions.

Behavior that does not exhibit professionalism, honesty, trust, and responsibility is deemed poor behavior. Exhibiting poor behavior because one is or feels as though they are a victim of poor behavior is no excuse. Employees need to report instances of poor behavior to their site Human Resources representative who is responsible for promptly addressing all complaints. Some examples of poor behavior include:

- Making ANY disparaging comments about other people, organizations or countries, especially in meetings and public settings..
- Being discourteous or rude to others, including loud, aggressive behavior, or creating a hostile working environment.
- Blaming others when something goes wrong, especially without first obtaining the facts and circumstances.
- Taking credit for the work of others, in part or in whole.
- Any form of behavior that is contrary to established policies.

Workplace Conduct Pledge – Every employee has the right to work in a professional environment and be treated with dignity and respect. At no time shall an employee be expected to tolerate negative or condescending behavior from another person, regardless of the other person's position or employer. The organization will immediately address the problem and forbid any form of retaliation against an employee who reports abuse.

2.13.1.3 *Quality and Integrity*

The organization and its employees enjoy a reputation for setting and maintaining high standards of quality and integrity. As custodians of public funds performing services for the astronomy community, we accept and support public examination of our business conduct and the quality of our work. This Code, other policies and procedures, and our compliance program are intended to help us ensure that our performance remains, in all respects, exemplary.

All employees, including managers and supervisors, are expected to::

- know this Code of Ethics and Standards of Conduct (Code).
- maintain an environment of inclusion, respect and trust in their day-to-day interactions with others throughout the Observatory.
- understand and abide by all Observatory policies and procedures as well as contractual and legal requirements applicable to their jobs.



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- act in accordance with high ethical standards and avoid activities that are or might appear to be illegal, improper, or unethical.
- report suspected violations of the Code, contractual and legal requirements, and policies to a supervisor or member of management..
- understand that objectivity, integrity, and ethical behavior are essential to our continuing ability to discharge our important public service mission..

Additionally, managers and supervisors must:

- make a commitment to operate according to the highest standards of ethics and business conduct and effectively communicate this commitment to other employees.
- exemplify the meaning of leadership in their day-to-day interactions and decisions and commit to building and maintaining an environment of inclusion, respect and trust at every level throughout the Observatory.
- ensure that other employees are familiar with and follow the Code, other Observatory policies and procedures, and all relevant contractual and legal requirements.
- be alert for actions that may be, or appear to be, illegal, improper, or unethical, either dealing with them directly or reporting them to the appropriate person.
- maintain a work environment that encourages open communication.

All employees, including managers and supervisors, should be aware that there are consequences for violations described in this Code. Some consequences are explicitly delineated in this Code; others will depend on the specific circumstances surrounding the violations. Consequences may include oral and/or written reprimands, suspension, termination, and civil and/or criminal charges.

Further, no one in any position may retaliate against anyone else for reporting suspected violations of this Code, legal or contractual requirements, or Observatory policies and procedures. Managers and supervisors, in particular, must act to prevent retaliation or threats of retaliation.

2.13.2 Financial Responsibility

2.13.2.1 General

Each employee is personally responsible and accountable for the proper expenditure of funds and use of property, including funds and property entrusted to our custody by clients and others. Property of the organization or under the organization's care is not to be used for personal benefit, sold, loaned, given away, or otherwise disposed of, regardless of condition or value, without proper authorization. The Observatory's assets are to be used for proper purposes.

Anyone spending or obligating Observatory funds should be sure that the transaction is proper, and properly documented, and that the Observatory receives appropriate value in return. Anyone approving or certifying the propriety or correctness of a transaction involving Observatory property or funds should make a good-faith effort to ensure that the transaction is proper and in the best interest of the Observatory.



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2.13.2.2 Accuracy of books and records

The Observatory and its employees are obliged to handle and report all information accurately, honestly, and properly. The integrity of the organization's record keeping and reporting systems must be respected at all times. Employees shall comply with established accounting rules and controls. No one, for any reason, shall purposely make any false or misleading entries, or fail to make required entries, in the books and records of the Observatory. The documentation of each transaction or payment on behalf of the Observatory shall fairly represent the nature of the transaction or the purpose of the payment.

Certain employees involved in contracting and billing activities are required to make official representations to the government about our business practices and costs. These representations must be made with complete honesty and unfailing accuracy, to avoid false certifications, false statements, or false submittals that could lead to contractual, civil, or criminal remedies.

2.13.2.3 Labor charging

A major area of legal and ethical concern to all employees is accurate timekeeping. The Observatory cannot execute its responsibility to ensure that all costs are properly accounted for and charged unless employees and their supervisors ensure that time worked is recorded timely and accurately in the timekeeping system.

It is a fraudulent act for an employee knowingly to charge time to a wrong project number or to charge more hours than were actually worked. It is likewise a fraudulent act for a supervisor to direct an employee to engage in such mischarging or for a supervisor to knowingly approve false time charges.

Fraudulent mischarging will result in disciplinary action up to and including termination of employment, and could also result in criminal and/or civil action.

2.13.3 Representation of the Observatory

2.13.3.1 General

We obtain contracts, work assignments, and procure goods and services impartially and objectively, free from outside influences. We conduct our business with persons outside the organization professionally. Our reputation demands not only that we act with integrity but that we are seen to be doing so.

In particular, employees may not give or offer anything of value, directly or indirectly, to any client or potential client as an inducement to obtain business or favorable treatment. Similarly, employees may not accept anything of value in return for favorable treatment from clients, suppliers, or potential suppliers, either for themselves or for others. In addition, employees may not give anything of value, directly or indirectly, to any public official as an inducement to have a law or regulation enacted, defeated, or violated.

2.13.3.2 Bidding, negotiations, and competitive practices

Many laws and regulations govern bidding, negotiations, and competitive practices. Each Observatory employee is responsible for abiding by the laws and regulations applicable to each business transaction.

- No one may ever make false or misleading statements in a proposal or during negotiations. Such statements would place the client at a disadvantage in assessing our proposal, and may also result in legal actions against the Observatory and the employee.



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- We must be informed about technology and developments in our industry, but we will gather such information in a lawful and ethical manner. No employee may seek information from any customer or competitor that the Observatory is not legitimately and legally entitled to obtain.
- In particular, except as authorized for use in our work, employees and consultants may not directly or indirectly solicit, accept, or retransmit restricted U.S. government procurement-related information, whether in oral or written form, regardless of the source. This applies during the conduct of any federal agency procurement, or at any other time if there is reason to believe that the release is unauthorized or reasonably may be construed to be improper. Before seeking or accepting information that may be restricted, it is imperative that employees and consultants ask the cognizant government official for and receive proper assurance that the information subject to solicitation or acceptance is not, in fact, restricted..
- The Observatory is subject to federal and state antitrust laws. Violations of antitrust laws arise from agreements with clients, suppliers, or other firms that have the effect of restraining trade. An agreement need not be in writing to violate the law—an informal understanding, even one that exists only by implication, can be a violation. Agreements among firms to set prices or to allocate customers or markets are strictly prohibited. Employees may never discuss these matters with other firms and must avoid any activities that might be construed as implying agreements on such matters.

2.13.3.3 *Procurement of services and materials*

The Observatory has adopted detailed procedures for hiring consultants, entering into subcontracts, and procuring other services as well as supplies and equipment. All employees who are involved in the procurement process, at every stage, are expected to understand and abide by these procedures.

Relations with consultants are particularly sensitive because of consultants' close working relationship to the Observatory. They often have access to information that is privileged to Observatory staff and its clients and their actions reflect on the Observatory. For these reasons, consultants are held to strict conflict-of-interest and non-disclosure standards and are obliged to abide by this Code and other Observatory policies and procedures.

2.13.3.4 *Relations with government personnel*

Many laws regulate what federal, state, and local government employees can and cannot accept in the form of entertainment, meals, gifts, gratuities, and other things of value from persons or firms with whom they do business or over whom they exercise authority. The organization's policy is that employees will not give, offer, or accept prohibited items. These following general rules can be used in most situations:

- A federal government employee may accept modest refreshments (e.g., coffee and donuts) incidental to a business meeting in our building.
- A federal government employee may prefer to pay for a meal served here at a working meeting and should be given the opportunity to do so. The government employee may accept a meal as a "gift" if its value is \$20 or less, and may accept from the Observatory meals having a total value of no more than \$50 per year.



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We cannot, however, capture here the full complexity of the laws and regulations governing gratuities for government employees. Thus, specific questions should be referred to the Assistant Director of Administration and Facilities or the Contracts and Procurement Manager.

2.13.3.5 *Relations with non-government personnel*

Although the laws and regulations discussed above do not apply to relations with non-government personnel, employees must use good judgment in giving or accepting business courtesies. Such courtesies should be reasonable (e.g., paying for or accepting a modest lunch in the course of business discussions). Employees should be careful to avoid situations that might seem to oblige the recipient to a “payback.”

2.13.3.6 *Export compliance*

It is the policy of the Observatory to fully comply with all laws and regulations governing the export of its products, services, software and technical data. Export controls govern the transfer, distribution, disclosure and shipment of certain controlled information, software codes and tangible items, as well as the provision of certain services to Foreign Persons and countries. The U.S. export control laws are implemented through two primary sets of regulations:

- the International Traffic in Arms Regulations (“ITAR”), administered by the U.S. Department of State’s Directorate of Defense Trade Controls (“DDTC”); and
- the Export Administration Regulations, administered by the U.S. Commerce Department’s Bureau of Industry and Security (“BIS”).

2.13.3.7 *Political activities*

Employees are encouraged to participate in political activities, but they must do so on their own time, at their own expense, and away from the organization’s facilities. The Observatory shall not directly or indirectly support any political party or candidate.

2.13.4 *Conflicts of Interest*

The Observatory recognizes that its employees, as well as their immediate families, may have diverse private, business, or professional interests that place them in a position where there is, or might appear to be, a conflict between their private interests and the interests of AUI, NRAO, or GBO. Therefore, employees are required to disclose actual or potential financial, research, or organizational conflicts of interest prior to their participation in any AUI activity and on an annual basis. The organization is also committed to taking appropriate action to ensure that conflict of interest situations are promptly identified and mitigating actions are implemented to ensure all decisions are made free of any real or apparent conflicts of interest. Please refer to the [Conflict of Interest Policy for AUI](#) for further information on what is defined as a conflict of interest and the procedures for disclosure. Questions about suspected or potential conflicts of interest should, therefore, be referred to a supervisor, a member of management, or the AUI [Ethics & Integrity Line](#), phone 855-583-3938.

2.13.4.1 *Use of “inside” information*

Employees must not seek personal gain through the use of non-public information obtained in the course of employment with the Observatory, nor may they “tip” others regarding such information. Specifically, trading in the securities of any company on the basis of material, non-public information obtained in the course of employment, or communicating such information to others for that purpose, is prohibited and may result in severe civil and criminal penalties. “Securities” in this context includes options to buy or sell



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other securities. Information is “material” if a reasonable investor would consider it important in deciding whether to buy, sell, or hold securities.

2.13.4.2 Financial Interest

Employees must avoid outside Financial Interests that might conflict with the interests of the Observatory. A person is deemed to have a Financial Interest if he/she has, directly or indirectly, through business, investment, or immediate family:

- An ownership or investment interest in any entity with which the organization has a transaction or arrangement; or
- A compensation arrangement with the Observatory or with any entity or individual with which the organization has a transaction or arrangement; or
- A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the organization is considering or negotiating a transaction or arrangement. Compensation includes direct and indirect remuneration, as well as gifts or favors.

A conflict arises when (1) an employee has a material financial interest in an organization that has business relations with the Observatory or that will be affected directly and predictably by the Observatory’s work, and (2) the employee is in a position to influence the relevant business transactions or work.

An employee should not acquire or hold a conflicting interest if it would disqualify the employee from performing duties central or critical to his or her position, and if another employee cannot readily be assigned to act in his or her place. Whenever a conflict or potential conflict arises, the employee should immediately ask to be relieved of related duties and notify a member of management.

2.13.4.3 Outside activities

The Observatory encourages its employees to be active in professional, political, social, and community activities. In so doing, they are expected to conduct themselves so that:

- their independence and objectivity on the job are beyond question.
- outside activities do not interfere with their duties to the Observatory, draw on information gained through employment by the organization, or involve the use of the organization’s facilities or property.
- the outside activities are not construed as reflecting involvement or support by the Observatory or the US government.

2.13.4.4 Use and disclosure of privileged information

The organization’s success rests in large part on its privileged access to information. Our continued success requires that we maintain our reputation for integrity and care in the handling of privileged Observatory information, that is, information which is:

- proprietary or business-sensitive
- about business plans and programs



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- or otherwise provided by or to a client in connection with the Observatory's contractual efforts.

Privileged organization information also includes the AUI's own proprietary and business-sensitive information, that is, information generated by or for the Observatory in the course of:

- preparing business plans and evaluating business opportunities.
- preparing contract proposals.
- developing financial plans and budgets and reporting on performance against plans and budgets.
- developing tools and techniques unique to the organization's performance of its contractual obligations or for potential use in obtaining and executing contracts.

All privileged organization information, in all forms, is owned by the Observatory, its clients, and parties with proprietary rights. None of the information is the property of an individual trustee, officer, employee, consultant, or agent, even if the person developed or documented the information.

These prohibitions and restrictions apply to the use of privileged organization information:

- Employees and consultants may not divulge privileged organization information to a third party or publicly without advance approval.
- Privileged organization information obtained or produced in the performance of a particular contract may not, without the consent of the client, be used or divulged to obtain or perform a different contract.
- Documents and other materials containing privileged organization information must be returned to the organization upon the termination of employment or other relationship with the Observatory.
- The information remains privileged to the organization until the organization determines otherwise.
- It is the responsibility of the person with access to privileged organization information to exercise reasonable judgment about the use and dissemination of such information. When in doubt, consult a supervisor or a member of management.

2.13.4.5 Use of Observatory facilities and property

The key principles are these:

- Observatory facilities and property may not be used by or on behalf of any partisan or sectarian cause.
- Observatory facilities and property may not be used for the conduct of a private business.



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- These prohibitions extend to Observatory computing resources and Observatory access to external computing resources (e.g., Internet).

2.13.6 Compliance Program

2.13.6.1 General

In keeping with its commitment to the highest standards of ethics and business conduct, the Observatory has established a compliance program that addresses employees' personal responsibilities and provides for reporting of possible violations and disclosure of certain violations to the government. The program will strengthen the organization's ability to address and correct improper activities, should any occur.

2.13.6.2 Education and training

The Observatory is committed to the education and training of its employees in the Code of Ethics and Standards of Conduct, contractual and legal requirements, and policies and procedures. All employees must acknowledge in writing their receipt and understanding of the importance of the Code, and amendments/reissuance, thereto.

2.13.6.3 Employee reporting of possible violations

All employees should be alert and sensitive to actions by themselves or others that might lead to violations of the Code, contractual or legal requirements, or policies. An employee who is uncertain about proper conduct in a particular situation, concerned about his own conduct, or believes that a fellow employee (knowingly or unknowingly) may have acted improperly should contact at least one of the following:

- immediate supervisor
- division head
- Deputy Assistant Director or Assistant Director
- Site Human Resources Manager or AD, Human Resources
- AUI President or AUI Ethics Hotline

Normally, the employee should discuss the matter first with his or her immediate supervisor or division head. Such discussions may lead to resolution of problems within the work unit. An employee who is not comfortable bringing a matter to a supervisor or division head, is expected to discuss it with a member of management. An employee should also talk to the Observatory Deputy Director or Director about any situation that the employee feels has not been resolved properly by a supervisor or division head. Should the employee feel the need to go outside of the organization, he or she can contact the AUI President.

Regardless of where a matter is reported, the Observatory has these obligations:

- The reporting employee will be informed of the outcome, as appropriate in protecting the privacy rights of others.
- The reporting employee's identity will not be disclosed without the employee's permission.



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- The Observatory will not take disciplinary action against another employee if such action rests on information from an unidentified source unless the information can be verified.
- The Observatory will not retaliate or make a threat of retaliation against an employee who makes a complaint or reports information in good faith.

Disciplinary action will be taken against anyone who retaliates or encourages others to retaliate, or who makes a report in bad faith.

An employee who was involved in improper activity may be disciplined even if the employee reported the activity. Voluntary disclosure will be given consideration in determining disciplinary action against the reporting employee.

2.13.6.4 Voluntary disclosure to the government

The Observatory will voluntarily, promptly, and fully disclose to the responsible federal authorities substantiated violations of federal procurement law and instances of significant employee misconduct affecting or influencing its work for the government. The Observatory will also cooperate with those government agencies that are responsible for investigating suspected violations of the law or employee misconduct.

Voluntary disclosure will occur when there are reasonable grounds to believe that federal procurement laws may have been violated or that significant employee misconduct may have occurred. Disclosure is more likely when the matter under investigation:

- involves a large amount of money
- indicates a broader pattern or practice of wrongdoing
- involves a senior employee or employees
- might illegally affect the integrity of the federal procurement process
- involves an attempt to conceal information from or mislead an investigative agency
- is clearly a violation of the law
- reflects a wrongful intent or intent to deceive or defraud

2.14 Workplace Bullying

2.14.1 Introduction

The organization defines bullying as “repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.” Such behavior violates the Code of Ethics and Standards of Conduct that clearly states that all employees will be treated with dignity and respect.

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Regardless of whether the bullying is direct or indirect, bullying behavior may have a devastating personal impact on targeted employee(s) and lead to increased absenteeism and turnover and lower productivity and staff morale of those who witness the bullying, as well as the direct victims of the bullying.

“Bullying” is not synonymous with “criticism.” The offering of valid, well-reasoned feedback about an aspect or aspects of a person’s performance, when delivered to that person in a respectful manner and context - even negative performance-related comments expressed politely – do not constitute bullying. Indeed, appropriate constructive criticism is a key contributor to personal development and organizational success.

2.14.1.1 Behavior Examples of Bullying

While constructive criticism is necessary, bullying is not, regardless of whether the bullying is intentional or unintentional. With bullying, as in the case of sexual harassment, the specific facts of the case and the effect of the unacceptable behavior on the victim will be the key factors considered in response to any complaint, not the alleged intent of the accused. The Observatory considers the following types of behavior examples of bullying:

- **Verbal Bullying:** slandering, ridiculing or maligning a person or his/her family; persistent name-calling or a nickname which is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks
- **Physical Bullying:** pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person’s work area or property
- **Gesture Bullying:** non-verbal threatening gestures, glances which can convey threatening messages
- **Exclusion:** socially or physically excluding or disregarding a person in work-related activities.

2.14.1.2 Examples which may constitute or contribute to evidence of bullying in the workplace

- Persistent singling out of one person
- Shouting, raising voice at an individual in public and/or in private
- Using verbal or obscene gestures
- Personal insults or use of offensive nicknames
- Public humiliation in any form
- Constant criticism on matters unrelated or minimally related to the person’s job performance or description
- Constantly ignoring/interrupting an individual at meetings, thereby effectively preventing the individual from participating
- Public reprimands
- Repeatedly accusing someone of errors which cannot be documented
- Deliberately interfering with mail and other communications

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- Spreading malicious/disparaging rumors and gossip regarding individuals
- Refusing to use preferred names and pronouns when asked to do so
- Encouraging others to disregard a supervisor's instructions
- Manipulating the ability of someone to do their work (e.g., withholding critical information, setting meaningless tasks, giving deliberately ambiguous instructions or setting deadlines that cannot be met)
- Taking credit for another person's ideas (This practice is unethical in itself, but may also be evidence of bullying if the deceit occurs repeatedly or concurrently with other examples of bullying behavior)
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave
- Deliberately excluding an individual or isolating them from work-related activities (meetings, etc.)
- Unwanted physical contact, physical abuse or threats of abuse to an individual or to an individual's property (defacing or marking up property)

2.14.2 Summary

All employees, including supervisors, managers and executives must be aware that the organization will not in any instance tolerate bullying behavior. Employees found in violation of this policy will be subject to corrective measures according to the Policy Violation/Disciplinary Process.

Should an employee experience bullying from a colleague or from a person affiliated with an organization with which the Observatory conducts business, the incident should immediately be brought to the attention of the employee's supervisor and the AD, Human Resources.