

# Racial Justice and EDI Program Assessment Tool

## *Guidance for RWJF Grantees and Partners<sup>1</sup>*

The Robert Wood Johnson Foundation (“Foundation” or “RWJF”) is dedicated to supporting its grantees and partners in achieving a Culture of Health, rooted in equity, where every person has a fair and just opportunity to live the healthiest life possible. This commitment includes supporting grantees and partners who pursue racial justice and equity, diversity, and inclusion-related (“EDI”) projects and endeavors.

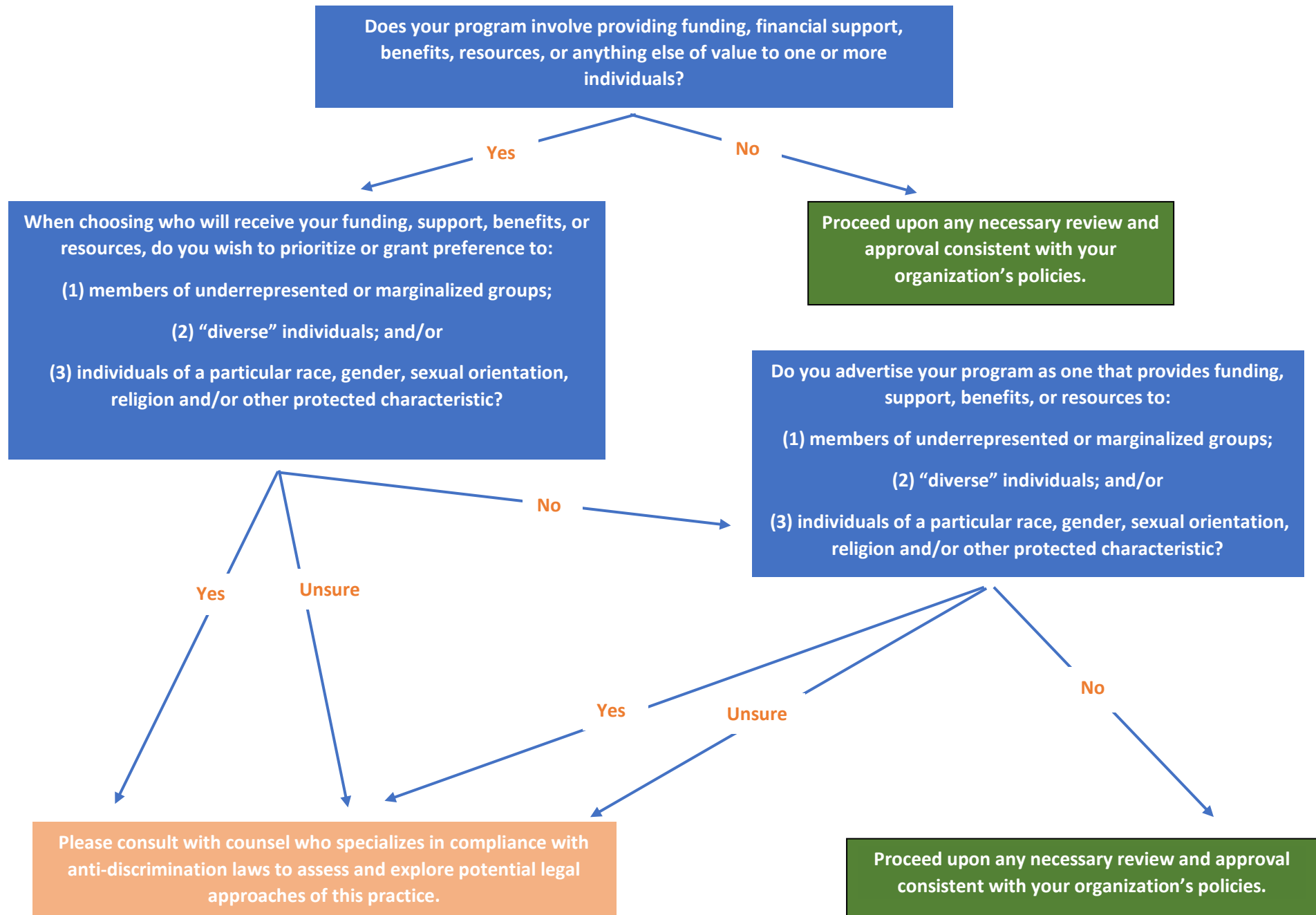
With the growing number of lawsuits and other challenges to racial equity and EDI programs under anti-discrimination laws, it is critical that the Foundation’s grantees and partners have guidance and access to resources when assessing the application of anti-discrimination laws to their work. The following decision trees are intended to help organizations navigate their programs and understand when it is appropriate to seek expert guidance regarding their work. These decision trees do not and are not intended to serve as legal advice, nor should the information in these decision trees be interpreted as suggesting that any particular practice, strategy, or program is lawful or unlawful under anti-discrimination laws. Furthermore, these decision trees do not include all of the situations and issues about which organizations should seek counsel.

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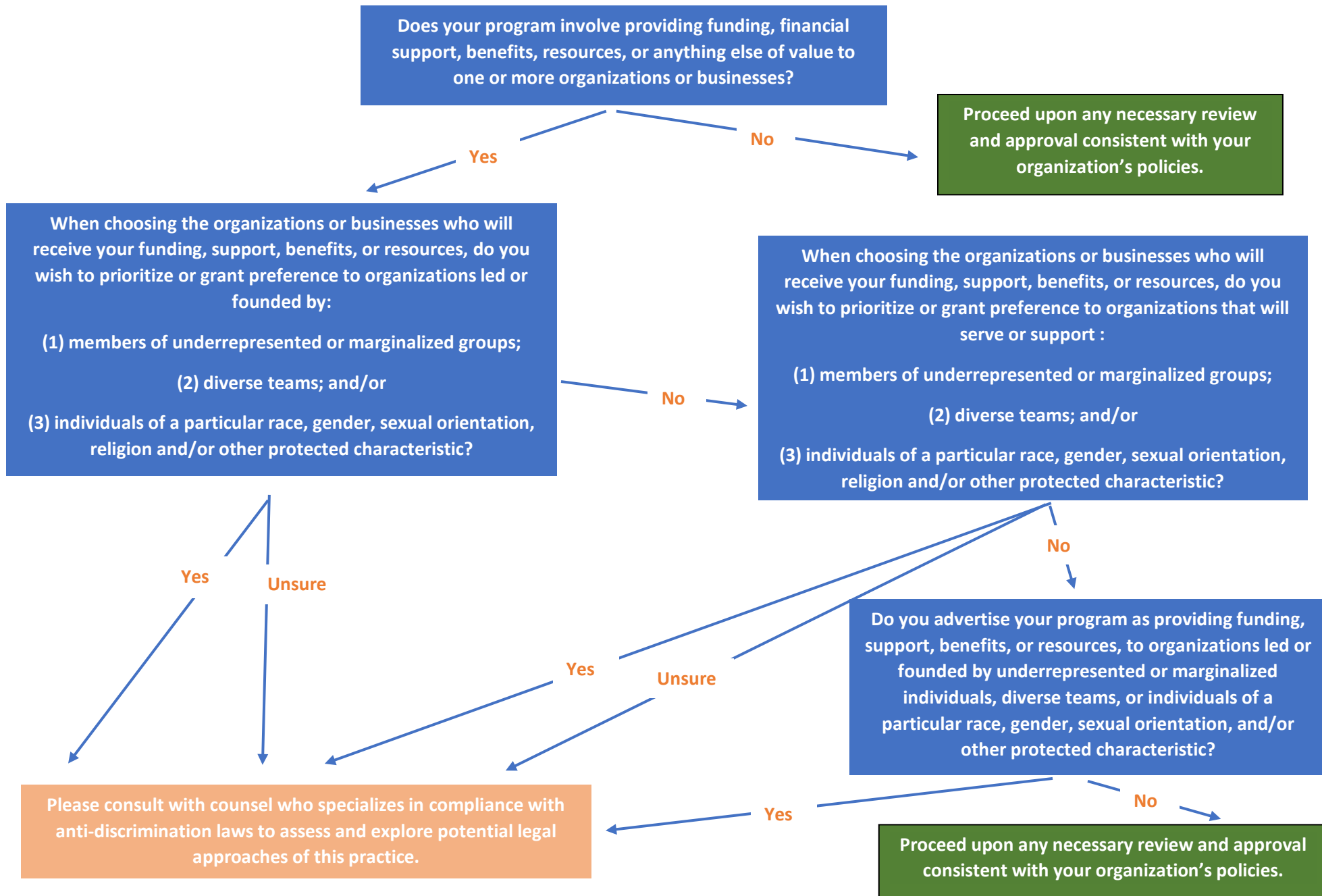
<sup>1</sup> The Robert Wood Johnson Foundation would like to extend a special thanks to the staff at Morgan Lewis & Bockius LLP.

These decision trees are comprised of four separate and distinct diagrams: (1) Funding Support to Individuals; (2) Funding Support to Organizations; (3) Demographics of Organizational Leadership; and (4) Employment/Hiring. When applying these decision trees to your work or your organization's procedures, please consider each diagram independently from the others. If you have questions about how to interpret or answer the questions on these decision trees, please consult with your own legal counsel. Organizations and/or individuals who need legal advice but do not have legal counsel can contact the [Lawyers' Committee for Civil Rights Under Law](#) or the [ACLU](#) for assistance. For additional guidance, organizations and/or individuals may also access the Council on Foundations' [resource page](#) that covers the *Students for Fair Admissions (SFFA) v. Harvard* and *Students for Fair Admissions (SFFA) v. University of North Carolina (UNC)* holdings and their related impacts on philanthropy/nonprofits. Lastly, when these questions arise in the context of RWJF grant-funded work, please contact your RWJF program contact to see if additional funding may be available for obtaining legal counsel.

# FUNDING SUPPORT TO INDIVIDUALS



# FUNDING SUPPORT TO ORGANIZATIONS



# DEMOGRAPHICS OF ORGANIZATIONAL LEADERSHIP

Do you ask your program's applicants, beneficiaries, partners, or grantees to share their or their leadership's race, gender, disability, sexual orientation, or any other protected characteristics with your organization?

Yes

Please consult with counsel who specializes in compliance with anti-discrimination laws to assess and explore potential legal approaches of this practice.

No

Proceed upon any necessary review and approval consistent with your organization's policies.

# EMPLOYMENT/HIRING

Do you intend to hire any employees to support your program(s)?

Yes

No

When hiring employees, do you wish to select, prioritize, or grant preference to:

- (1) members of underrepresented or marginalized groups;
- (2) “diverse” individuals; and/or
- (3) individuals of a particular race, gender, sexual orientation, religion and/or other protected characteristic?

Proceed upon any necessary review and approval consistent with your organization’s policies.

Yes

Unsure

No

Please consult with counsel who specializes in compliance with anti-discrimination laws to assess and explore potential legal approaches of this practice.

Proceed upon any necessary review and approval consistent with your organization’s policies.