

St. Louis Volunteer Lawyers and Accountants for the Arts

With allegations of sexual harassment and assault leading to more women — and men — coming forward, your nonprofit arts organization may want to take these action steps:

- Be more deliberate about fostering a cultural of civility by emphasizing expectations of courtesy and respect.
- Revisit and revise your no-harassment policy and procedures.
- Define harassment broadly and list prohibited behavior, including misconduct on social media platforms and electronic communication systems.
- Embrace zero tolerance while being mindful of due process and proportional consequences.
- Start at the top. Include board members.¹
- Include language that addresses false allegations.²
- Specify that the policy applies to independent contractors, volunteers and third parties and to misconduct that occurs off-premises and off-hours.
- Prohibit retaliation.³
- Don't just disseminate the policy; discuss it. Invite suggestions for improvement.
- Provide several avenues for reporting harassment, bullying and discrimination.
- Encourage safe bystander intervention.
- Provide in-person training for supervisors and union representatives, if applicable, that addresses your organization's values, policies and procedures.
- Make employee training in-person and interactive and shift the focus away from legal definitions of sexual harassment and toward behaviors that contribute to a respectful workplace environment.⁴
- When an employee or volunteer doesn't want to lodge a formal complaint, listen and then explain that the privacy of all parties involved will be maintained to the highest degree possible. Also explain that your organization is committed to promptly investigating every claim and to taking appropriate corrective action.
- Consider mediation services provided by a professional neutral mediator.⁵ Mediation, which is voluntary and confidential, usually accomplishes the primary aim of stopping the inappropriate behavior.
- Ask a qualified employment law attorney to review your policy.

¹ Board Code of Conduct Prohibition Against Sexual Harassment: [Name of Nonprofit] strives to maintain a workplace that is free from illegal discrimination and harassment. While all forms of harassment are prohibited, it is the organization's policy to emphasize that sexual harassment is specifically prohibited. Any board member who engages in discriminatory or harassing conduct towards is subject to removal from the Board. Complaints alleging misconduct on the part of Board members will be investigated promptly and as confidentially as possible by a task force of the Board appointed by the [Executive/Governance] Committee. (Source: National Council of Nonprofits)

² False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

³ 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, will be subject to disciplinary action.

⁴ EEOC Launches New Training Program on Respectful Workplaces <https://www.eeoc.gov/eeoc/newsroom/release/10-4-17.cfm>

⁵ VLAA Arts Resolution Services: <https://vlaa.org/get-help/conflict-resolution/>

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