

## No-Harassment Policy

Management should make it clear to employees, contractors, volunteers, board members and third parties that any discriminatory conduct — whether intentional or unintentional — that results in abuse of another individual's rights will not be tolerated.

VLAA also encourages arts organizations to adopt a formal, written policy forbidding sexual harassment in the workplace. Absence of a policy will not automatically cause the employer to lose in court, but the presence of a policy will aid an employer in its defense by showing that steps were taken to exercise reasonable care to prevent harassment.

Adopting a written policy is not enough. The policy must be disseminated, discussed and supported by management.

**Sample policy language can streamline the policy adoption process and is a good starting point. But it is never a good idea to simply insert your organization's name and present the document to the board for approval. The policy MUST be discussed and tailored to reflect your organization's culture and to conform to your other policies.**

*This sample policy is distributed with the understanding that VLAA is not engaged in rendering legal or accounting counsel. We urge you to seek professional services to address your specific concerns.*

### Sample No-Harassment Policy

[Arts Organization] does not tolerate any form of harassment related to race, color, sex, religion, national origin, age, citizenship status, disability, or handicap. For these purposes, the term harassment includes, but is not limited to, slurs, jokes, other verbal, graphic, or any physical conduct relating to an individual's race, color, sex, religion, national origin, age, citizenship status, disability, or handicap.

This policy applies to all incidents of harassment, including those that occur off-premises or off-hours where the alleged offender is a supervisor, co-worker or non-employee who is involved, directly or indirectly, in a business or a potential business relationship with [Arts Organization].

#### Sexual Harassment

For purposes of this policy, sexual harassment is any verbal, nonverbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker or any person working for or on behalf of [Arts Organization].

Harassment includes sexual advances, requests for sexual favors, and other verbal, graphic, or physical conduct of a sexual nature. Harassment also includes making submission to or rejection of such conduct the basis of any employment-related decision and includes creating an intimidating, hostile, or offensive working environment by such conduct.

The following examples are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

Verbal sexual harassment includes comments that are offensive or unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping. Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibited form of harassment, including that which is sexual in nature and unwelcome.

Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, photos and electronic communication, such as e-mail, text messages, tweets and Internet postings; or other form of communication that is sexual in nature and offensive.

Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing or fondling.

Courteous, mutually respectful, pleasant, noncoercive interactions that are appropriate and acceptable to and welcomed by both parties are not considered to be harassment.

#### Discipline

Violation of this policy will subject the offender to appropriate disciplinary action, up to and including immediate discharge.

#### Complaint Procedure

Any person who feels that he or she has been subject to harassment or is aware of prohibited conduct is encouraged to bring the matter to the immediate attention of his or her supervisor, anyone in management or the Executive Director. [Arts Organization] will handle all complaints courteously, swiftly and confidentially. The privacy of all parties involved will be maintained to the highest degree possible. [Arts Organization] will conduct a prompt, thorough and impartial investigation and will take proportionate corrective action.

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

#### Retaliation

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.