

You may insert your company logo here in place of the above.

# Policy on Anti-Discrimination, Anti-Harassment *and* a Respectful and Inclusive Workplace

## INTRODUCTION

\_\_\_\_\_ is committed to providing a workplace free of unlawful discrimination and harassment. As a means of preventing behaviors that rise to the level of unlawful discrimination and harassment, \_\_\_\_\_ also commits to creating a respectful and inclusive workplace, one in which every individual is treated with respect and dignity.

In the sections below, \_\_\_\_\_ defines unlawful discrimination and harassment, how to report it, and what actions \_\_\_\_\_ will take when it receives a complaint. We also describe our expectations for creating a respectful and inclusive workplace, the types of uncivil and bullying behaviors that will not be tolerated, and the consequences of such behaviors.

## I. PROHIBITED DISCRIMINATION

\_\_\_\_\_ does not tolerate discrimination of any kind, in any employment action, based on any characteristic protected by law and/or covered by this policy. Employment actions are generally defined by law to include recruitment, hiring, training, compensation, promotions, benefits, layoffs, and general treatment during employment.

At \_\_\_\_\_, employment actions include auditions, mentoring, coaching opportunities, casting, contracting, requirements for makeup and wardrobe, and other opera employment actions or terms of employment.

### Protected Characteristics

Under federal law, the following characteristics are protected from discrimination:

- Race or color
- National origin or ancestry
- Sex
- LGBTQ+ status
- Sex stereotyping or gender expression (assumptions about how a person should appear or behave based on their gender)
- Pregnancy, childbirth, or lactation
- Religion (including religious observances and dress)
- Age (for people over 40)
- Physical or mental disability
- Genetic information (whether a person carries a genetic marker for a disease)

\_\_\_\_\_ will not tolerate discrimination because an individual has a protected characteristic, is perceived to have such a characteristic, or associates with someone with such a characteristic.

Under \_\_\_\_\_ and/or \_\_\_\_\_ law, the following characteristics are also protected from discrimination:

Under \_\_\_\_\_ policies, we have chosen to protect the following characteristics as well:

In sum, a protected characteristic under this policy includes any characteristic that is protected under federal, state, or local law or \_\_\_\_\_ policy.

## Forms of Discrimination

Workplace discrimination may take many forms. In a typical workplace, it can be as blatant as denying someone a job or a promotion because of their race, sex, religion, national origin, or LGBTQ+ status. It may involve misconceptions about a person's ability to perform a job because of a disability.

In the opera industry, discrimination may take other, sometimes less obvious forms, such as unequal casting opportunities, fewer opportunities for coaching and mentoring, and failure to provide certain individuals who have been protected characteristics with the tools they need to succeed in an art form which they have historically been excluded.

At \_\_\_\_\_, we commit to providing the tools and preparation necessary for all artists to perform with dignity and respect. Wig and makeup artists and lighting, costume, and set designers will be provided the training, sensitivity, and cultural competence needed to support all artists regardless of their protected classification. For example, artists will not be asked to use makeup to lighten or darken their skin tone to resemble different races, or otherwise use "ethnic" makeup; shoes and tights designed to mimic skin tone will match that of the artist; and seating accommodations will be provided for any artist with disabilities or medical conditions (e.g., pregnancy) that necessitate resting offstage.

\_\_\_\_\_ is committed to the letter and the spirit of the law. Our goal is to create and maintain a safe, professional, and respectful working environment that allows every artist and employee to achieve their fullest professional potential.

## II. PROHIBITED HARASSMENT

For the purposes of this policy, "harassment" is used to describe unacceptable conduct that is based on a person's or group's protected characteristics as listed above. Additional examples of harassment based on a person's sex are included separately below.

We will not tolerate harassment against any individual employed by or associated with \_\_\_\_\_. \_\_\_\_\_'s policy against harassment applies to and protects everyone who engages with our organizations, employees, and non-employees alike, including:

- Employees, including full-time, part-time, and seasonal employees, including paid interns
- Independent contractors
- Visiting artists
- Contractors and vendors
- Applicants for employment
- Volunteers
- Customers and audience
- Members of the board
- Patrons and donors
- Participants at meetings and events held by \_\_\_\_\_

Individuals working pursuant to a collective bargaining agreement are employees and thus covered by this policy against harassment. In sum, If you are interacting with \_\_\_\_\_ in any fashion, this policy prohibiting harassment applies to you.

Examples of conduct prohibited at

based on the characteristics listed in Section I, above:

- **Verbal or written conduct such as derogatory or offensive comments, name-calling, epithets, slurs, jokes, or pranks.**
- **Postings or displays of derogatory pictures, cartoons, drawings, or social media posts, or displaying offensive objects or pictures in the workplace.**
- **Disrespectful treatment of another person such as making fun of a person's appearance (hair, dress, etc.) or refusing to call a transgender or non-binary person by their appropriate name and pronoun.**
- **Bullying another person by behavior such as spreading malicious rumors or a sustained pattern of offensive name-calling or teasing.**
- **Actual or threatened physical conduct against a particular individual such as assault (e.g., hitting, shoving, kicking, or punching) or unwanted touching, or threats of such physical conduct.**

These are simply examples of harassment. Other types of unwelcome conduct that are based on or generated by a protected characteristic are similarly prohibited in this workplace.

Keep in mind that harassment does not have to be targeted at a particular individual. Verbal or written conduct or postings or displays that denigrate a group based on a protected characteristic constitutes harassment, even if not directed at a particular individual.

Also note that harassment is prohibited both in the physical workplace and beyond. The workplace at is understood broadly. It includes audition rooms, rehearsal studios, theaters, dressing rooms, bathrooms, wig and makeup areas, canteens and break areas, post-performance events, galas, donor events, and the like. You may not engage in harassment when you are touring or otherwise traveling in connection with business, attending a sponsored event, or socializing with fellow employees outside of the workplace.

You also may not engage in harassment via calls, texts, emails, blog posts, or other social media, even if you are away from the workplace, using your personal device, or acting during non-work hours. will not tolerate such behavior if it has an impact on the workplace.

## **Prohibited Sexual Harassment**

All elements of the above sections on discrimination and harassment apply to discrimination and harassment based on sex. This section provides additional details about 's prohibitions against sexual harassment.

Opera, most fundamentally, takes a dramatic story and uses music to convey emotions, to inspire, to connect, and to portray the human experience. Opera stories are often about love, loss, passion, and infidelity. Opera productions, therefore, may include scene that portray nudity, sexual acts, and sometimes violence. will provide advance notice to

artists of overtly sexual scenes and obtain their prior agreement to such scenes.

will also engage fight and intimacy directors to provide appropriate direction and safeguards. *[Please insert this sentence if you will commit to taking these actions. As a general matter, we believe these are best practices.] [If you do not have this approach set up now, you might consider, “ will provide advance notice to artists of overtly sexual scenes and obtain their prior agreement to such scenes and consider hiring fight and intimacy directors to provide appropriate direction and safeguards, as needed.]*

Staged sexual content as portrayed in an opera production can never be viewed as a license to engage in prohibited sexual harassment. Deviating from the agreed-upon intimacy choreography can constitute sexual harassment and violates this policy. Sexual harassment is unwelcome behavior whether it is directed at one individual or an entire group. It may be overtly sexual, or it may not be sexual at all, and it can take place regardless of gender identity or sexual orientation.

Examples of prohibited sexual harassment that can happen onstage or offstage:

- Leering, whistling, “cat-calling,” or intentional and unwelcome brushing up against a person’s body.
- Displaying sexually suggestive or vulgar objects, pictures, posters, or cartoons. Displaying or circulating sexual or pornographic images, documents, email messages, voicemail messages, text messages, gifts, notes, or invitations.
- Graphic commentary about an individual’s body, sexual activity, deficiencies, or prowess (including one’s own), or sexually degrading words to describe an individual.
- Repeated unwanted sexual flirtations, advances, requests for dates, propositions, or gifts.
- Sexually suggestive touching of a person without that person’s consent.
- Touching oneself sexually in front of another person without that person’s consent.
- Retaliating or threatening retaliation against an individual after a negative response from that individual to sexual advances or other harassing activities.
- Conditioning employment benefits on sexual favors or treating someone more favorably because the individual has provided sexual favors.
- Physical force, sexual assault.

For example, under federal law, harassing conduct is illegal if submission to the conduct is an expressed or implied condition of employment, or if submission to or rejection of such conduct is used as the basis for employment decisions. This is referred to as “quid pro quo harassment.” It is a form of sexual harassment that can include promises to help someone’s career through influence even if the perpetrator does not have direct hiring authority.

Harassing conduct is also illegal under federal law if it rises to the level of a “hostile work environment.” To meet this standard, the conduct must either be severe, or it must be pervasive, that is happening on a constant basis.

**'s policy prohibits harassment even if such behavior is not quid pro quo or is not sufficiently severe or pervasive to violate federal, state, or local law. The goal of this policy is to stop bad behavior before it rises to the level of illegal behavior.**

### III. REPORTING, INVESTIGATIONS, AND CORRECTIVE ACTION

#### **Reporting**

##### ***By Non-Supervisory Employees***

If you are a non-supervisory employee who has experienced or witnessed discrimination or harassment, we strongly encourage you to report that conduct as soon as possible.

You can be someone who complains about conduct that has been targeted against you (a “complaint”) or you can be someone who reports conduct that you have observed or been told about (a “reporter.”)

We recognize that it is difficult to make a complaint or a report regarding violations of this policy when the person engaging in the conduct has significantly more organizational and/or industry authority than you do, which often happens in performing arts workspaces. **But you are doing an important service if you make us aware of conduct that violates this policy, regardless of the stature of the person engaging in the conduct.** This allows us to fix problems early and sustain a culture of safety, respect, and inclusion.

In terms of coming forward:

- If you feel comfortable talking directly to the person engaging in the conduct that is unwelcome to you, that is often a useful first step. However, you are not required to do so.
- If you do not feel comfortable talking to that individual, we encourage you to talk to your direct supervisor or any other supervisor.   
will ensure that supervisors are trained in how to respond to such complaints or reports.
- If your direct supervisor is the person engaging in the conduct, there is no obligation or expectation that you will report your complaint to that person.
- You can also report to
- You may also fill out and submit the complaint form at the end of this section, but you are not required to do so in order to make a complaint. *[Depending on your reporting structures, please specify if the form is internal, through a third party, or the state/EEOC.]*
- If you complain about or report a violation of this policy, we will listen to you carefully, take you seriously, and undertake appropriate actions to respond to what you have told us. If it makes you feel safer, you may bring a fellow artist, representative, friend, or union representative, where appropriate, with you to make the complaint or report

We are committed to earning trust through a system that is effective and safe so that others will feel comfortable coming forward with a complaint or report when they experience or observe conduct that violates this policy. We know that protection from retaliation is essential to creating that trust. We will do everything we can to protect you from any form of retaliation and we will apply severe corrective action against anyone who engages in retaliation.

### ***By Supervisor***

A supervisor who receives a report of discrimination or harassment, or who observes discrimination or harassment, must report such behavior through the appropriate channels.

Once a supervisor is aware of possible harassment, as a matter of law, we must take reasonable actions to respond to that conduct. For that reason, a supervisor must use the appropriate channels to report conduct that appears to be discriminatory or harassing **even if the person who has made the complaint does not wish the conduct to be reported or investigated**. Supervisors who do not follow the required reporting obligations will be held accountable for the failure.

### ***Using Outside Channels***

**[If you have an additional outside reporting channel, please list it here along with instructions on how to report.]**

Any employee who has experienced discrimination or harassment based on a protected characteristic may also file a charge with the federal Equal Employment Opportunity Commission (EEOC). You can file a charge at [www.eeoc.gov/employees/charge.cfm](http://www.eeoc.gov/employees/charge.cfm) or by calling 800-669-4000. An EEOC investigator will listen to the facts of your charge, fill out an official charge form for you to sign, and send us a notice that you have filed a charge. An Appendix to this policy lays out the legal definition of harassment under federal law.

You may also file a charge with the

An Appendix to this policy lays out the legal definition of harassment under state and city law.

### **Investigations**

Once we receive a complaint or report of conduct that violates this policy, we will determine the level and type of investigation appropriate for the alleged conduct. Because this policy prohibits a wide range of conduct, different types of investigations will be appropriate for different types of conduct.

**Our investigations will be fair and thorough.** All employees, including those possibly involved who are not employees, will be expected to participate fully and honestly in any investigation. If we determine that an employee has lied in an investigation, that person will be subject to corrective action, up to and including termination.

As a general matter, the identity of a complainant, and the particular facts of the complaint, will need to be disclosed to the person against whom the complaint has been made. This is so that the subject of the complaint can respond to those specific facts. However, we will maintain as much confidentiality as possible and **we will not tolerate any retaliation against the complainant**.

In contrast, we will not disclose the name of a reporter who has provided us with information about conduct they have observed or heard about, unless we feel it is necessary to do so for the effectiveness of the investigation. In such a case, we will disclose the reporter’s name only with the reporter’s consent.

During the course of the investigation, the complainant or reporter may talk about the substance of the allegation and the course of the investigation to their family members, close friends not involved in the workplace, union representative, management representative, lawyer, and direct supervisor. During the course of the investigation, the subject of the complaint or report may talk about the substance of the allegation and the course of the investigation to their family members, union representative, management representative, lawyer, and direct supervisor. Either individual may speak to additional people, if necessary for their physical or mental safety, if \_\_\_\_\_ is informed about and agrees to that communication. Once the investigation is completed, there is no prohibition on talking with other people about the allegation or investigation.

Anyone interviewed during the course of the investigation may not discuss the allegation or the substance of their comments during their interview until the investigation is completed, unless \_\_\_\_\_ agrees to that communication.

\_\_\_\_\_ will not disclose any information received by the complainant, reporter, subject of the complaint or report, or witnesses unless it is necessary to do so to conduct a thorough and fair investigation.

## Corrective Actions

If an investigation reveals a violation of this policy, we will take corrective action that is proportionate to the prohibited behavior. Because this policy prohibits a wide range of conduct, not every substantiated violation of the policy will result in the same corrective action.

The range of possible corrective actions for employees include:

- Verbal feedback
- A written warning
- Reassignment
- Suspension (with or without pay)
- Decision not to promote an individual
- Decision not to re-engage an individual
- Termination of employment

**All corrective action up to termination will be accompanied by an expectation for improvement.**

For independent contractors, the corrective action may include a decision not to engage the person for future commitments.

The individual who was found to engage in conduct that violated the policy, but has not been terminated, may also be required to engage in further training or counseling. Other individuals may also be required to engage in training, depending on the facts discovered during the investigation. Finally, whether or not a violation of the policy is found, preventive action may include additional training for some or all individuals.

We will inform the individuals who reported the conduct of the results of the investigation and the corrective action that has been taken unless the particular circumstances require confidentiality.

## Prohibited Retaliation

Retaliation may consist of harmful actions on a professional level (for example, not rehiring the complainant or reporter or branding the person as “difficult to work with”) or on a social level (for example, being treated as disloyal to the company or negatively targeted on social media).

\_\_\_\_\_ will take all actions necessary and feasible to protect any individual who complains about or reports conduct that violates this policy. Individuals must feel safe against retaliation for this system to work.

\_\_\_\_\_ will take affirmative actions to determine if either professional or social retaliation is occurring and will not simply wait for a report of retaliation from the individual who has complained about or reported the conduct.

also will not tolerate retaliation against anyone who has assisted someone else in reporting conduct prohibited by this policy or has participated in an investigation of the conduct.

the will not tolerate retaliation against anyone who has filed a claim with the EEOC or

retaliation. will take swift and strong corrective action against any individual found to have engaged in

## **Training**

will require employees to participate in training to ensure that all employees understand the expectations of this policy, know how to complain about or report violations of the policy, and understand how the investigation will proceed with regard to allegations of conduct that violate this policy.

[ will offer similar training to board members, volunteers, and on a voluntary basis.]

## **IV. UNCIVIL BEHAVIOR AND BULLYING**

One of the best ways to prevent unlawful discrimination and harassment is to create a respectful and inclusive workplace where every individual, from the artistic director to the internationally acclaimed principal artist, to the wardrobe assistant and usher, is treated with dignity and respect.

This means that will continually strive to create a culture where everyone feels respected, included, safe, and equal and where they are not subjected to uncivil behavior or bullying, even if such actions are not triggered by one of the protected characteristics described above.

### **Uncivil Behavior and Bullying**

Respectful behavior can be as simple as greeting people and asking how they are; listening attentively when people speak; not interrupting; and acknowledging a person's contributions.

In contrast, uncivil behavior can include:

- Ignoring a person
- Not respecting another person's time (e.g., not honoring agreed upon times and hours)
- Infantilizing a person
- Interrupting a person or talking over a person
- Responding to a person in a dismissive manner
- Belittling or humiliating a person

Examples of bullying can include:

- Making derogatory comments about a person to others
- Yelling at or demeaning a person in front of others or in private
- Excluding and encouraging others to exclude a person
- Taunting or making crude remarks about a person
- Throwing things at a person
- Sabotaging the work of others

Under this policy, uncivil behavior or bullying is conduct that is not necessarily based on or triggered by a protected characteristic under the law or this policy, such as race, gender, ethnicity, religion, age, disability, or LGBTQ+ status. will not tolerate "equal opportunity" uncivil behavior or bullying.

Treating others with respect does not mean that \_\_\_\_\_ employees and artists will not be given honest and critical feedback on their work or conduct. Performance management, delivered properly, is not uncivil behavior or bullying. At \_\_\_\_\_, all such feedback will be delivered in a respectful and constructive manner, and follow-up actions will be taken based on agreed upon expectations for progress.

## **Reporting Uncivil Behavior and Bullying**

### ***Uncivil Behavior***

If you experience uncivil behavior, we encourage you to talk directly with the individual engaging in that behavior if you feel comfortable doing so. Sometimes the individual does not recognize the impact of their behavior, and you are doing them a favor by talking with them directly.

If you do not feel comfortable talking to the individual engaging in the uncivil behavior, we encourage you to bring your concerns to your direct supervisor. We want to stop unacceptable behavior at the earliest opportunity.

If your supervisor is the one engaging in uncivil behavior, we urge you speak to \_\_\_\_\_, or another supervisor. [If you plan to offer Respectful Workplaces training to employees, you can add a sentence that says: "All employees will be provided training that will enable them to create and support a respectful workplace."]

Supervisors may handle a situation of uncivil behavior on their own, if they believe they can resolve the matter. If a supervisor needs guidance on handling the situation, they should contact \_\_\_\_\_. [If you plan to offer Respectful Workplaces training to supervisors, you can add a sentence that says: "All supervisors will be provided training that will enable them to create and support a respectful workplace."]

### ***Bullying***

Bullying can be extremely toxic and quickly sabotage a culture of respect. For that reason, if you are the target of bullying, we urge you to promptly reach out to your supervisor, any other supervisor, or \_\_\_\_\_ and report the behavior.

If a supervisor receives a credible report of bullying, or observes bullying, the supervisor must contact \_\_\_\_\_ who is prepared to receive these reports. When alerted to bullying behavior, \_\_\_\_\_ will follow the steps described Section III, above, for investigations and protection from retaliation.

## **V. CONCLUSION**

We welcome you to \_\_\_\_\_ and look forward to working together to create a culture of respect, inclusion, safety, and equity. At \_\_\_\_\_, everyone will be held to the same standards, and everyone can expect to be held accountable for conduct that violates the letter or spirit of this policy. Everyone will have an equal opportunity to bring their best artistic skills to \_\_\_\_\_ audiences, and bad behavior will not be excused by talent, public acclaim, or because "this is the way it's always been." Thank you for reading this policy carefully, asking questions if you have them, and bringing your best self to work every day.

## **APPENDIX**

These resources are for your internal purposes.

### **AGMA Anti-Harassment Policy**

<https://www.musicalartists.org/faq-help/help-page/sexual-harassment-policy-information-portal/>

### **OPERA America Anti-Harassment Resources**

<https://www.operaamerica.org/r/opera-america/5698/anti-harassment-resources-for-individuals>

### **EEOC Study of Harassment in the Workplace**

<https://www.operaamerica.org/r/opera-america/5700/eec-study-of-harassment-in-the-workplace>

## **RESOURCES BY STATE**

### **Policy Requirements (2021):**

<https://www.getimpactly.com/resources/anti-harassment-policy-requirements-by-state>

### **Training Requirements:**

<https://www.hrdiver.com/news/a-running-list-of-states-and-localities-with-sexual-harassment-training-man/551248/>

Useful Reading: Christine Porath, *Mastering Civility: A Manifesto for the Workplace* (2016) & Amy Edmonson, *The Fearless Organization: Creating Psychological Safety in the Workplace for Learning, Innovation, and Growth* (2018)