

SPRINGFIELD SYMPHONY ORCHESTRA ASSOCIATION

Nondiscrimination and Harassment Policy

Introduction:

The Springfield Symphony Orchestra Association is committed to providing and maintaining an administrative and artistic environment in which all Association employees and volunteers can work together to advance the mission of the Association. To that end the Association enforces a strict policy against discrimination and harassment on the basis of race, color, creed, religion, age, sex, sexual orientation, marital status, veteran status, national origin, ancestry, citizenship, disability or any other legally protected status.

Scope:

This policy applies to all full-time and part-time employees and volunteers including, but not limited to, administrative staff, artistic staff, musicians, members of SSOA subsidiary and supporting organizations and members of the SSOA Board of Trustees, while they are working on behalf of or otherwise representing the Association. This policy extends to discrimination or harassment by or of applicants, patrons, visitors, vendors, agents, guest musical performers or conductors, contractors or other representatives encountered in the course of conducting business with the Association.

Definitions:

Prohibited conduct - Offensive conduct and/or harassment that is of a sexual nature or based on race, color, creed, religion, age, sex, sexual orientation, marital status, veteran status, national origin, ancestry, citizenship, disability or any other legally protected status.

Examples of prohibited conduct are:

Any type of physical contact, demeaning or abusive written or spoken language, or graphic communication that is unwelcome or unwanted by the recipient. This includes, but is not limited to, physical assault that is sexual in nature.

Sexually explicit or otherwise discriminatory statements, insults, slurs, jokes, anecdotes, questions, posters, cartoons or gestures that are offensive, hostile or intimidating to an individual.

Unwelcome sexual advances, requests, coercions or demands for sexual favors and/or physical, verbal or nonverbal offensive conduct when:

(1) submission to or rejection of such conduct is made, explicitly or implicitly, as a term or condition for gaining or maintaining employment, achieving a higher

performance evaluation or advancing in employment status.

(2) submission to or rejection of such conduct is used as a basis for decisions such as gaining or maintaining employment, conducting performance evaluations or advancing in employment status.

(3) the conduct has the purpose or effect of substantially and/or unreasonably interfering with work performance or creating an embarrassing, uncomfortable, intimidating, hostile or offensive working environment.

A pattern of conduct that has the purpose or effect of creating an embarrassing, uncomfortable, intimidating, hostile or offensive working environment by means of:

(1) discriminatory comments based on race, color, creed, religion, age, sex, sexual orientation, marital status, veteran status, national origin, ancestry, citizenship, disability or any other legally protected status.

(2) sexually explicit or otherwise discriminatory statements, insults, slurs, jokes, anecdotes, questions, posters, cartoons or gestures.

(3) unwelcome or unwanted touching, patting, pinching, hugging or brushing against a person's body or sexual physical assault.

(4) unwelcome or unwanted whistling, leering, provocative staring, sexual flirtation, sexual advance or direct sexual proposition.

(5) unwelcome or unwanted remarks or comments about sexual activity, experience, prowess, deficiencies, or other verbal abuse of a sexual nature.

(6) possession and/or display of inappropriate sexually oriented or otherwise discriminatory materials in the workplace, as categorically defined above.

Complaint - An allegation of discrimination or harassment reported to the Association Executive Director or his/her designee, or to the President of the Association Board of Trustees or his/her designee.

Parties - The person or persons lodging a complaint of discrimination or harassment and the person or persons about whom the complaint is made.

Consensual - Any act or pattern of behavior between two parties that is conducted with mutual agreement.

Reporting:

A good faith complaint of discrimination or harassment should be reported, verbally or in writing, to the Association Executive Director or his/her designee, or to the President of the Association Board of Trustees or his/her designee. A complainant has the responsibility to report the complaint as soon as possible, given the nature, timing and location of the alleged act of discrimination or harassment. Witnesses to an alleged act of discrimination or harassment have the responsibility to report their observations to an Association official, as identified above, in good faith, as soon as possible, given the nature, timing and location of the alleged act of discrimination or harassment. Failure to

properly follow this reporting procedure or the complaint process, as described below, may jeopardize the status of the complaint.

An Association official authorized to take the complaint has the responsibility to document and act on the complaint in a timely manner, to include investigating the complaint and/or ensuring that investigatory follow-up to the complaint occurs. Failure to respond to receiving a complaint may be, under certain circumstances, cause for potential disciplinary action.

Confidentiality:

The Association will make every effort to maintain confidentiality in addressing complaints of discrimination or harassment. There may be times, however, when the identity of parties involved in an incident must be revealed to other appropriate individuals or agencies during an investigation. All persons involved with a complaint of discrimination or harassment are expected to treat the matter with discretion, respect and confidentiality.

Retaliation:

The Association shall not retaliate against any individual or group for protesting, reporting and/or participating in a complaint and/or investigation of alleged discrimination or harassment. Retaliation is a serious violation of this policy that can subject the offending individual or group to disciplinary action, independent of any case of alleged discrimination or harassment.

False Accusations:

It is a violation of this policy for anyone to knowingly make false accusations of discrimination or harassment and, if proven, shall result in disciplinary action. Failure to prove a claim of discrimination or harassment is not equivalent to a false accusation.

Information and Training:

Association employees and volunteers directly involved in the execution of the Association's administrative business, artistic and educational mission are periodically trained on this nondiscrimination and harassment policy. Training on and individual awareness of the policy is documented via a sign-off record maintained in the Association administrative office. The policy is published in the Springfield Symphony Orchestra Association Policies and Procedures Handbook and may be made available for the information of the public at large.

Consensual Romantic and/or Sexual Relationships:

No Association employee or volunteer involved in a consensual romantic and/or sexual relationship with another Association employee or volunteer shall have direct

responsibility for evaluating the employment performance of or for making decisions about the employment status, promotion or compensation of the other party in the relationship.

Complaint Process:

Once a complaint of discrimination or harassment has been lodged by a person or persons within the administrative purview of the Association against another person or persons within this same administrative purview, the authority charged to investigate the complaint shall gather and document relevant facts and/or responses from the parties to the complaint and witnesses, if any. The Association reserves the right to utilize an outside agent to assist with and/or conduct the investigation. The investigating authority shall inform the parties that the complete record of the process may, as deemed appropriate, become part of the employment file, if applicable, of either or all parties.

Upon the request and agreement of all parties, should they be under the administrative purview of the Association, the investigating authority may mediate the dispute between the parties in an effort to resolve the complaint equitably and to the satisfaction of the parties. If the parties, as mediated by the investigating authority, agree on a solution, the parties shall acknowledge the agreement in writing, copies of which shall be placed in the employment files, if applicable, of all parties, thus concluding the resolution of the complaint. If the parties can not agree through this process, they may appeal to a higher Association authority, if available, in an attempt to reach agreement.

Should a complaint of discrimination or harassment be lodged by or against a party not under the administrative purview of the Association, it may be necessary to involve others representing this party in order to resolve the complaint. Appropriate to the situation, the investigation may be conducted by an internal Association investigating authority or by an outside agent utilized by the Association to assist with and/or conduct the investigation. Should mediation result in agreement, the parties shall acknowledge the agreement in writing, a copy of which shall be placed in the employment file, if applicable, of the party under the administrative purview of the Association.

The Association investigating authority may act, under routine administrative supervisory authority, to adjudicate the complaint and apply disciplinary action, as necessary. An Association supervisor acting under this authority is expected to advise the Board of Trustees regarding the progress, outcomes and recommended actions of processing the complaint. An outside agent serving as the sole investigating authority is expected to advise the Association Executive Director and/or Board of Trustees regarding the progress, outcomes and recommended actions of processing the complaint but shall not be authorized to administer Association internal disciplinary action.

The Board of Trustees may, as deemed appropriate by the circumstances, grant or deny a request by any or all parties to the complaint to serve as a board of appeal. While not intending to supercede the supervisory authority of Association administrators, the Board of Trustees reserves the right to act as the final authority regarding closure on any complaint involving parties under the administrative purview of the Association. If no previous solution agreements have been reached and documented, all parties to the complaint shall be informed in writing of the findings and actions taken as part of bringing closure to the complaint.

Discipline/Termination:

Should it be determined that a person or persons subject to the administrative purview of the Association has/have engaged in acts of discrimination or harassment, as defined in this policy, remedial action shall be taken by supervisory authority and/or action of the Board of Trustees. Other than agreed upon actions as may have already been determined, as referenced above in the **Complaint Process**, such action may include orders to cease and desist, demotion if possible, or termination of any employment or volunteer status with the Association.

Should the complaint involve a Board member as a party to the complaint and an investigation results in confirmation of the alleged action as discrimination or harassment on the part of the Board member, the Board of Trustees shall, if necessary, apply the provisions as described in the Association Code of Regulations, Article V, Section 5.09, Conduct Unbecoming a Member and Article IV, Section 4.06, Voting Requirements.