



## SEXUAL HARASSMENT POLICY

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### **Introduction**

*Schenectady Light Opera Company ("SLOC") is committed to maintaining a safe and inclusive theater environment free from sexual harassment. Sexual harassment is a form of discrimination. SLOC has a zero-tolerance policy for any form of sexual harassment, and all volunteers, contractors, patrons, guests and associates (hereinafter collectively referred to as "Party" or "Parties") are required to conduct themselves in a manner that prevents sexual harassment.*

*Sexual harassment is against the law. All Parties have a legal right to a theatrical and volunteer experience free from sexual harassment, and Parties can enforce this right by filing a complaint internally with SLOC, or with a government agency or in court under federal, state or local antidiscrimination laws.*

### **Policy**

1. SLOC Policy applies to all Parties as defined above, whether paid or unpaid, and persons conducting business with SLOC.
2. Sexual harassment will not be tolerated. Any Party covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including expulsion.
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action including being discharged, disciplined, discriminated against, or otherwise subject to adverse action because the Party reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. SLOC has a zero-tolerance policy for such retaliation against anyone who, in good faith complains or provides information about suspected sexual harassment. Any Party of SLOC who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including expulsion.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects SLOC to liability for harm to victims of sexual harassment. Harassers may also be individually subject to liability. Parties of every level who engage in sexual harassment, including Officers, Board Members, Leadership, Directors, Production Crews, etc., who engage in sexual harassment or who knowingly allow such behavior to continue, will be penalized for such misconduct.
5. SLOC will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever SLOC's Board receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All Parties are required to cooperate with any internal investigation of sexual harassment.
6. All Parties are encouraged to report any harassment or behaviors that violate this policy. SLOC will provide all employees a complaint form to report harassment and file complaints.

### **What Is "Sexual Harassment"?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

1. Such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile or offensive environment, even if the complaining individual is not the intended target of the sexual harassment;
2. Such conduct is made either explicitly or implicitly a term or condition of employment;  
or
3. Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's casting, volunteer placement, election, etc.

A sexually harassing hostile environment consists of words, signs, jokes, pranks, intimidation or

physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

### **Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

1. Physical assaults of a sexual nature, such as:
  - a. Touching, pinching, patting, grabbing, brushing against another Party's body or poking another employees' body;
  - b. Rape, sexual battery, molestation or attempts to commit these assaults.
2. Unwanted sexual advances or propositions, such as:
  - a. Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments;
  - b. Subtle or obvious pressure for unwelcome sexual activities.
3. Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile environment.
4. Sexual or discriminatory displays or publications anywhere in or around SLOC's campus, such as:
  - a. Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic.
    - i. This includes such sexual displays on computers or cell phones and

sharing such displays.

5. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - a. Interfering with, destroying or damaging a person's space, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - b. Sabotaging an individual's work;
  - c. Bullying, yelling, name-calling.

### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. A perpetrator of sexual harassment can be a superior, a subordinate, or anyone including an independent contractor, contract worker, vendor, client, customer or visitor.

### **Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical theater itself. Calls, texts, emails, and social media usage by Parties can constitute unlawful harassment, even if they occur away from the SLOC premises or not during rehearsal/production/meeting hours.

### **What is "Retaliation"?**

Unlawful retaliation can be any action that would keep a Party from coming forward to make or support a sexual harassment claim. Adverse action need not occur in or around SLOC to constitute unlawful retaliation.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity."

Protected activity occurs when a person has:

1. Filed a complaint of sexual harassment, either internally or with any anti-discrimination agency;
2. Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
3. Opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;

4. Complained that another employee has been sexually harassed; or
  - a. encouraged a fellow Party to report harassment.

### **Reporting Sexual Harassment**

*Preventing sexual harassment is everyone's responsibility.* SLOC cannot prevent or remedy sexual harassment unless it knows about it.

- ! Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a Director, Producer or a member of the Board.**
- ! If a report is made to a Director, Producer or other person who is not a member of the Board, that person must immediately inform a member of the Board.**
- ! *Persons who are not members of the Board must not initiate any fact-gathering or other investigation or remediation on their own as it may undermine the internal investigation and be inconsistent with legal process. Any and all knowledge of this matter should be kept confidential.***

Reports of sexual harassment may be made electronically, verbally or in writing. A form for submission of a written complaint is attached to this Policy, an electronic version is available at [sloctheater.org/incident](http://sloctheater.org/incident), and all Parties are encouraged to use this complaint form. Parties who are reporting sexual harassment on behalf of other Parties should use the complaint form and note that it is on another Party's behalf.

### **Complaint and Investigation of Sexual Harassment**

*All* complaints or information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, and should be completed within 30 days. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.

Any Party may be required to cooperate as needed in an investigation of suspected sexual

harassment. Parties who participate in any investigation will not be retaliated against.

Investigations will be done in accordance with the following steps, as part of SLOC's **Incident Response Protocol**:

1. The Board will meet either in person or telephonically/electronically to determine which Officer, Board Members or Leadership Members will be assigned as the Incident Response Team.
2. The Incident Response Team will conduct an immediate review of the allegations, and take any interim actions, as appropriate.
  - a) If complaint is oral, encourage the individual to complete a "Complaint Form" in writing.
  - b) If complainant refuses, or if incident is broadcast through media and/or social media prepare a Complaint Form based on the reporting.
3. If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
  - a) Request and review all relevant documents, including all electronic communications.
4. Interview all parties involved, including any relevant witnesses.
5. Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - a) A list of all documents reviewed, along with a detailed summary of relevant documents;
  - b) A list of names of those interviewed, along with a detailed summary of their statements;
  - c) A timeline of events;
  - d) A summary of prior relevant incidents, reported or unreported; and
  - e) The final resolution of the complaint, together with any corrective actions action(s).
6. Present investigative findings to the Board and determine next steps.
7. Keep the written documentation and associated documents in SLOC confidential records.

8. Promptly notify the complainant of the final determination and implement any corrective actions identified in the written document.
9. Inform the individual who complained of their right to file a complaint or charge externally as outlined below.

### **Legal Protections and External Remedies**

Sexual harassment is not only prohibited by SLOC, but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at SLOC, employees may also choose to pursue legal remedies with the following governmental entities **at any time**.

### **New York State Division of Human Rights (DHR)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees<sup>1</sup> regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged discrimination. An individual may not file with DHR if they have already filed an HRL complaint in state court.

Complaining internally to SLOC does not extend your time to file with DHR or in court. Please contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](https://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

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<sup>1</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

## **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

## **Contact the Local Police Department**

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.