

## RITTENHOUSE SQUARE FINE ARTS ASSOCIATION DISCRIMINATION AND HARASSMENT POLICY

It is the established policy of the Rittenhouse Square Fine Art Association (“RSFAA”) that sexual harassment or exploitation will not be tolerated, nor will harassment or discrimination based upon a person’s race, color, national origin, age, religion, disability status, gender, sexual orientation, or gender identity. To demean another person for any such reason is contrary to the ideals of our Show. The Board of Directors of the RSFAA (“the Board”) is committed to maintaining an environment that supports the highest level of personal conduct. This policy applies to everyone who is associated with the RSFAA, including all employees, whether they work as independent contractors or otherwise, all vendors, all members of the Board, volunteers, professional artists, and students. No written policy can specifically address every possible instance of potential harassment, exploitation, or discrimination. Where a situation of harassment arises that is not specifically addressed by this policy, this policy will still serve as a guideline for addressing and remedying the situation.

### DISCRIMINATION:

It is a violation of the RSFAA policy to discriminate in the provision of opportunities, benefits or privileges; to create discriminatory Show conditions; or to use discriminatory evaluative standards if the basis of that discriminatory treatment is, in whole or in part, the person’s race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information or marital status.

### VERBAL HARASSMENT:

The RSFAA prohibits harassment of any kind and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate, or coerce any participating artist or student, employee, independent contractor, volunteer, vendor, or member of the Board. Verbal 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, and includes epithets, slurs and negative stereotyping that impairs in any way one's ability to participate in the Show.

## SEXUAL HARASSMENT:

Sexual harassment includes, among other things, unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, physical, or visual conduct of a sexual nature when:

- 1) Such conduct has the purpose or effect, intentionally or unintentionally, of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive environment; or
- 2) there is a pattern of such conduct.

Unwelcome conduct is conduct that is not solicited or caused by the individual making the complaint, or is regarded as disruptive or undesirable by the individual making the complaint. Acquiescence in conduct does not necessarily imply consent. For example, the individual may have acquiesced out of fear or coercion.

Unwelcome verbal conduct of a sexual nature may include, but is not limited to, epithets, unwelcome comments or slurs of a sexual nature about an individual's body, appearance, or dress,

questions about his or her sexual activity, unwelcome sexually suggestive jokes, and unwelcome persistent request for dates or to have sexual contact.

Unwelcome physical conduct of a sexual nature may include, but is not limited to, assault, rape, impeding or blocking movement or any other unwelcome physical contact or touching.

Unwelcome visual conduct of a sexual nature may include, but is not limited to, sexual gestures with hands or through body movements.

## EDUCATION AND PREVENTION:

All Board members, employees, independent contractors, volunteers, vendors and participating artists and students will be provided a copy of this Harassment Policy and requested to read it so that they are informed of the standards of behavior expected. Should the Executive Director of the RSFAA or any member of the Board learn, formally or informally, that there is reason to believe that discrimination, harassment, or sexual exploitation has or is occurring, that person should report the matter to the Chairperson, Vice Chairperson, and the rest of the Executive Team (unless any such person is implicated in the matter, whereupon the matter should be reported to any member of the Executive Team who is not implicated in the matter). For the purposes of this Policy, the “Executive Team” consists of the Chairperson, Vice Chairperson, Treasurer, and Secretary of the Board of the RSFAA.

The report of any person who believes that discrimination, harassment, or sexual exploitation has or is occurring will be investigated by first contacting the alleged victim and requesting the victim to proceed with the Complaint Procedure. Should the alleged victim be unwilling to proceed with the matter under the Complaint Procedure, the matter may nevertheless be investigated,

depending upon the seriousness of the matter.

## COMPLAINT PROCEDURE:

The Board encourages the individual who believes that he or she has been harassed or exploited to communicate to the alleged offender that the behavior is unwelcome. If the individual finds the communication not possible for any reason whatsoever, or if the matter has not been resolved to the individual’s satisfaction, the following complaint procedure is to be followed. Each Show will have two Designees, one male and one female, who will be empowered by the Board to receive any complaint made pursuant to this policy. Such complaint should be brought to a Designee’s attention either verbally or in writing, as soon as possible. If the complaining individual is not comfortable for any reason

in bringing the complaint to one of the Designees”, then he or she may bring the complaint to any Member of the Executive Team. The person who receives the complaint will immediately consult with the Executive Team (except for any member of the Executive Team who may be a subject of the complaint).

When a complaint is received, the individual making the complaint will be informed that the RSFAA will conduct an investigation of the complaint. In each case the investigation will be confidential except that the persons conducting the investigation may consult with any employee or non-employee of the RSFAA as the Executive Team deems necessary or appropriate to resolve factual issues as they arise. At the end of the investigation, a report will be made to the Full RSFAA Board, which is then charged with taking the appropriate action. The findings of the Board and the actions taken, if any, will be made known to the individual making the complaint. Notwithstanding any other provision of this paragraph, if a Board Member is a subject of a complaint, that individual shall not participate in the investigation, consideration, or disposition of the complaint.

#### CONFIDENTIALITY:

Any investigation will be conducted in a confidential manner so as to protect the dignity and privacy of persons involved to fullest extent feasible, consistent with the need to conduct a full and fair investigation. All person contacted in the course of the investigation will be requested to respect the confidentiality of both the individual making the complaint and the accused. However, because the RSFAA has an interest, separate from that of the complaining individual, in a prompt and thorough investigation and response, it cannot guarantee absolute confidentiality. Further, in the case of a complaint by or on behalf of an underage person and an adult perpetrator, there may be a legal and moral obligation to report the behavior to the proper authorities.

Anonymous complaints cannot be investigated in a full and fair manner and therefore will not be accepted.

## PROTECTION AGAINST RETALIATION:

Any person bringing a harassment or sexual exploitation complaint or assisting in investigating such a complaint will not be adversely affected in terms of participating in our Show. Complaints of retaliation will be promptly investigated. However, false reports of harassment may give rise to liability under laws relating to libel, defamation or slander, and this Policy is not intended to define a good faith claim under these laws to constitute retaliation.

## REMEDY:

1) If, after investigation, the Board finds that there is a reasonable basis to believe that the allegations of the complaint are true (in whole or in material part), it may invoke the following remedy:

- In the case of all Board Members, employees, including independent contractors, volunteers, participating artists or students, remedies may include verbal warning, written warning, probationary status, a requirement to obtain sensitivity training or counseling, expulsion from the Show, or termination of the relationship with the RSFAA.

2) If, after investigation, the Board finds that there is not enough evidence to determine whether or not there is a reasonable basis to believe that the allegations of the complaint are true, then the written findings of the investigation will be placed in confidential records of the Board, the parties will be notified of the outcome, and no further action will be taken.

3) If, after investigation, the Board finds that there is a reasonable basis to believe that the allegations of the complaint are untrue (in whole or in material party), then every effort will be made to restore the reputation of the accused. Further, if the allegations are found to be knowingly and deliberately false, remedies such as those listed above may be applied by the accused against the accuser.