

## **NEMPAC Discrimination and Harassment Policies**

### **Discrimination**

NEMPAC is an equal opportunity employer and complies with all applicable federal, state, and local fair employment practices laws. NEMPAC does not and shall not discriminate on the basis of race, color, religion, creed, sex, gender, gender expression or identity, pregnancy, age, national origin (ancestry), ethnicity, physical or mental disability, citizenship status, familial status, genetic information, marital status, sexual orientation, criminal record, military status, in any of its programs or operations or any other factor protected by law. These programs and operations include, but are not limited to, hiring and firing of employees and contracted staff, selection of volunteers, faculty, artists, and vendors, and provision of services. We are committed to providing an inclusive and welcoming environment for all members of our staff, board leadership, students, neighbors, volunteers, contractors, vendors, and friends.

NEMPAC complies with the Americans with Disabilities Act (ADA), as amended by the ADA Amendments Act, and all applicable state or local law. Consistent with those requirements, NEMPAC will reasonably accommodate qualified individuals with a disability if such accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship. If you believe you need an accommodation, contact NEMPAC Facilities and Operations Coordinator at [sallen@nempacboston.org](mailto:sallen@nempacboston.org) or 857-239-9997

NEMPAC will also, where appropriate, provide reasonable accommodations for an employee's religious beliefs or practices.

### **Harassment**

NEMPAC IS COMMITTED TO ANTI-RACISM AND ANTI-OPPRESSION. THIS AGREEMENT WILL BE SIGNED BY EVERY BOARD MEMBER, EMPLOYEE, CONTRACTOR, AND ARTIST OF THE ORGANIZATION. THE POLICY CLEARLY OUTLINES HOW AND WHERE TO REPORT INSTANCES OF RACISM, HATE SPEECH, OR IMPLICIT RACIAL BIAS, AS WELL AS A CLEAR PLAN OF ACTION FOR WHEN SUCH INSTANCES OCCUR. ALL EMPLOYEES, CONTRACTORS, SUBCONTRACTORS, ADMINISTRATORS, AND BOARD MEMBERS ARE RECOMMENDED TO UNDERTAKE FORMAL ANTI-RACISM AND ANTI-OPPRESSION TRAINING TO COUNTER IMPLICIT BIAS.

NEMPAC strives to create and maintain a work environment in which people are treated with dignity, decency, and respect. The environment of the company should be characterized by mutual trust and the absence of intimidation, oppression, and exploitation. NEMPAC will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, NEMPAC will seek to prevent, correct, and discipline behavior that violates this policy.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment.

Managers and supervisors who knowingly allow or tolerate discrimination, harassment, or retaliation, including the failure to immediately report such misconduct to the Music Director, Operations Manager, Executive Director, or Board Members, are in violation of this policy and subject to discipline.

### **Anti-Racism**

At NEMPAC, we do not tolerate or accept racism of any kind, in any form. We are committed to becoming a more diverse and inclusive organization by overcoming the disparities and inequities that exist through the services we provide, the people we reach, the workplace culture we foster, and the outcomes we achieve. This is the defining work of our time and essential to our long-term relevance and impact.

We are committed to programs that bring together and celebrate individuals and/or groups of people of varying opinions, experiences, beliefs, and backgrounds - to spark conversation, build understanding, listen to perspectives, and unite the community. We use the arts to tell stories that represent the communities and cultures of Greater Boston. Through music, artists, and performers, we speak in sound—as well as words—about the shared and unique experiences of artists and audience members. Equity is one of our core values, and we continue through our actions as a nonprofit arts organization to provide programming that is diverse, inclusive, and accessible for all.

As we continue the work of becoming a more inclusive organization that contributes to increased equity in Boston and in cultural and civic life, our desire for positive progress must be informed by our historical context. We recognize that structural racism exists in our neighborhoods, our cultural institutions. We recognize that NEMPAC is within this, and we work to dismantle structural racism and create an environment where everyone has access to the performing arts and feels a sense of belonging.

We seek to become an inclusive community, working against white privilege, bias, racism, religious and ethnic intolerance, and discrimination based on gender, sexuality, multiple marginalized identities, class, age, and ability. We strive to overcome these issues through a lens of diversity, equity, inclusion, and belonging (DEIB).

### **Zero Tolerance Guidelines:**

While identifying and responding to racism and other forms of discrimination can be challenging and complex, we are following these guidelines for responding to and reporting incidents.

When in the presence of or upon learning about discriminatory behavior we ask that an effort be made to professionally and thoughtfully remind individuals of NEMPAC's commitment to anti-racism by bringing the conversation to a close or disengaging if unable to do so without provocation. Should you feel threatened in any way we prioritize your safety and ask you to physically remove yourself from the situation and notify any senior NEMPAC staff nearby as well as the police.

After encountering any discriminatory behavior, we ask that you report it to a senior NEMPAC Staff member. Any NEMPAC Employee who is made aware of an incident must report it to either the E.D or a member of the DEIB committee. *(internal contacts please reference employee handbook for annual contact information and external contacts please contact the Executive Director for the DEIB Committee*

*chairperson's contact information*). Please try and provide as many details as possible to support a resolution to the incident.

Zero-tolerance for NEMPAC means that we will not bear witness and allow any discriminatory behavior without taking decisive action for our community. Upon experiencing such behavior NEMPAC will remind all parties of NEMPAC's commitment to anti-racism and immediately escalate the incident to the Executive Director and/or DEIB Committee.

### Investigation and Action

The person who received the complaint will report it to the Executive Director and/or DEIB Committee (see handbook chain of command) for the designation of formal or informal complaint.

#### Formal Complaint:

The Executive Director and DEIB Committee will decide whether or not expulsion or denial of services is warranted for the first offense. Any second violation will result in immediate remedial action. Any remedial action will be followed by a consultation with the Board of Directors and final review by the DEIB Board Standing Committee, with the offending parties being separated from our community.

Informal Complaint Our Executive Director will engage with all affected parties, consult with the DEIB Committee, to discuss the incident and how it can be avoided in the future.

### **Our Commitment:**

We commit to holding ourselves accountable through regular internal meetings, data collection, and analysis, and by soliciting feedback from various key stakeholders – our colleagues, artists, supporters, and audiences. We look forward to continuing this work and learning in partnership with these communities.

NEMPAC will take action steps to educate and create a space where we work to reimagine and revamp centuries-old systems in the arts that have historically and disproportionately benefited white leaders, creators, artists, and audiences. NEMPAC's anti-racism work will stem from the understanding of the following definition of "Racism": Racism is discrimination, prejudice, or antagonism against those in a marginalized or minority group. Other forms of racism that are overlooked are microaggressions coming from internalized racism and institutional/structural racism. NEMPAC has engaged an EDI consultant to review existing policies to highlight any bias and room for improvement at NEMPAC.

### **Sexual Harassment Policy**

*NEMPAC recognizes the right of all employees to work in an environment where individual dignity is respected. This policy endeavors to provide employees with a work environment free from harassment including, but not limited to, harassment of a sexual nature.*

### **Introduction**

NEMPAC strives to promote a workplace that is free of sexual harassment. Sexual harassment of

employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. We have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

NEMPAC takes allegations of sexual harassment seriously. We will respond promptly to complaints of sexual harassment and, where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose corrective action as appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

### **Definition of Sexual Harassment**

In Massachusetts, the legal definition of sexual harassment is:

“Sexual harassment” means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- a. Submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly as a term or condition of employment or as a basis for employment decisions; or
- b. Such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual’s work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad, and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work- place environment that is hostile, offensive, intimidating, or humiliating to employees may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances – whether they involve physical touching or not.
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one’s sex life, comment on an individual’s body, comment about an individual’s sexual activity, deficiencies, or prowess.
- Displaying sexually suggestive objects, pictures, or cartoons.
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or

- insulting comments.
- Inquiries into one's sexual experiences or preferences.
- Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by NEMPAC.

### **Sexual Harassment Investigation**

When we receive the complaint we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose corrective action.

### **Corrective Action**

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of corrective action as we deem appropriate under the circumstances.

### **State and Federal Remedies**

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies, or any other applicable government agency, set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a 300-day period for filing a claim.

1. The United States Equal Employment Opportunity Commission  
One Congress Street, 10<sup>th</sup> Floor, Boston, MA 02114  
(617) 565-3200
2. The Massachusetts Commission Against Discrimination

***Boston Office:***

One Ashburton Place, Room 601  
Boston, MA 02108  
(617) 994-6000

***Springfield Office:***

436 Dwight Street, Ste 220  
Springfield, MA 01103  
(413) 739-2145

### **Unlawful Harassment Policy (Other Than Sexual Harassment)**

NEMPAC strives to promote a workplace which is professional and which treats all those who work here with dignity and respect. This policy provides complaint procedures to assist NEMPAC in its efforts to implement this goal.

Harassment on the basis of race, color, religion, creed, sex, gender, gender expression or identity, pregnancy, age, national origin (ancestry), ethnicity, physical or mental disability, citizenship status, familial status, genetic information, marital status, sexual orientation, criminal record, military status, in any of its programs or operations or any other factor protected by law is a violation of this policy.

Furthermore, any retaliation against an individual who complains about unlawful harassment or cooperates with an investigation of an unlawful harassment complaint will not be tolerated.

Because NEMPAC takes allegations of unlawful harassment seriously, we will respond promptly to complaints of unlawful harassment and, where it is demonstrated to our satisfaction that such unlawful harassment occurred, we will act promptly and appropriately to eliminate the unlawful harassment.

### **Internal Complaint Procedure**

If you believe that you have been subjected to unlawful harassment (sexual or otherwise), you may file an internal complaint with the Executive Director. This may be done orally or in writing. Once a complaint has been received, NEMPAC will conduct an inquiry into the allegation in a fair and expeditious manner. If our inquiry reveals that unlawful harassment has occurred, we will act promptly and appropriately to eliminate the offending conduct.

If the harassment you believe you have been subjected to, is sexual in nature please follow the appropriate reporting processes as outlined in the Sexual Harassment Policy in this Employee Handbook.

### **No Retaliation**

No one will be subject to, and NEMPAC prohibits, any form of discipline, reprisal, intimidation, or retaliation for good faith reports or complaints of incidents of discrimination of any kind, pursuing any discrimination claim, or cooperating in related investigations.

NEMPAC is committed to enforcing this policy against all forms of discrimination. However, the effectiveness of our efforts depends largely on employees telling us about inappropriate workplace conduct. If employees feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately. If employees do not report discriminatory conduct, NEMPAC may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.