

THE SAINT PAUL
CHAMBER
ORCHESTRA

Unlawful Harassment and Respectful Behavior Policy

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PURPOSE

It is the policy of The Saint Paul Chamber Orchestra (SPCO) to create and maintain a workplace where all people are treated with dignity and respect. A respectful workplace is free from unlawful discrimination and harassment, violence and disruptive behavior. We also expect a workplace that is free from offensive, inappropriate or unprofessional behavior and bullying behavior.

POLICY ON UNLAWFUL HARASSMENT AND DISCRIMINATION: SPCO will not tolerate discrimination or harassment based on any protected class including sexual harassment. Protected class includes race, creed, color, religion, sex, including pregnancy, national origin, marital status, status with regard to public assistance, disability, age, familial status, membership on a local human rights commission, veteran status, sexual orientation, or any other characteristic protected under federal, state, or local law.

Prohibited Harassment may be based on any characteristic protected under federal, state, or local law and is defined as an act or series of acts which have the purpose or effect of creating an intimidating, offensive or hostile work environment, has the purpose or effect of unreasonably interfering with an individual's work performance, or otherwise adversely affects an individual's employment opportunities through unwelcome words, actions or physical conduct, whether or not it results in physical harm.

No employee, contractor, volunteer or third-party may engage in verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of that person's protected class if the conduct:

1. Has the purpose or effect of unreasonably interfering with the person's work performance; or
2. Otherwise adversely affects that person's employment opportunities.

The following are non-exclusive examples of prohibited harassment and offensive behavior. **Please note that these are not the only examples.** If you have a question about whether conduct is permissible under this policy, you should discuss it with your supervisor or with the Director of Human Resources.

Unlawful harassment and offensive behavior can be physical, verbal, visual or written. Examples include but are not limited to the following:

1. Negative stereotyping, name-calling or slurs that relate to race, color, creed, religion, sex, age, national origin, disability, sexual orientation, marital status, status with regard to public assistance or veteran status, or any other characteristic protected under federal, state or local law.
2. Threatening, intimidating or hostile acts that relate to race, color, creed, religion, sex, age, national origin, disability, sexual orientation, marital status, status with regard to public assistance or veteran status, or any other characteristic protected under federal, state, or local law.
3. Written, electronic or graphic material that belittles or shows hostility or aversion toward an individual or group because of race, color, creed, religion, sex, age, national origin, disability, sexual orientation, marital status, status with regard to public assistance or veteran status, or any other characteristic protected under federal, state or local law.

Sexual Harassment: Sexual harassment includes unwelcome physical or verbal conduct by employees or customers, vendors, visitors and others encountered through work relating to an individual's gender or directed at an individual because of gender. It is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual or gender biased nature. Sexual harassment includes:

1. Making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of an employee's obtaining employment or continuing employment; or
2. Making submission to or rejection of such conduct the basis for employment decisions affecting an employee;
3. Creating an intimidating, hostile or offensive working environment or otherwise substantially interfering with an individual's employment by such conduct; or
4. Retaliating against an employee for complaining about such conduct.

The following are examples of sexual harassment. **Please note that these are not the only examples.**

1. Direct and indirect suggestions that an employee's job security, job assignment, conditions of employment or opportunities for advancement depend in any way on the granting of sexual favors or relations;
2. Unwelcome sexual flirtations, propositions, and invitations to social events;
3. Unwelcome physical contact or physical closeness, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing and fondling, including forced sexual contact;
4. Use of words of a sexual nature describing body parts or sexual acts, telling "suggestive" jokes, comments or stories, and conversations about sexual exploits or sexual desires;
5. Displaying in the workplace sexually suggestive objects, pictures, cartoons, or representations of any action or subject which is sexual in nature and which can be perceived as offensive;
6. Sabotaging an employee's character, reputation, work effects, or property because of sex.

CONSENSUAL RELATIONSHIPS

Consenting or voluntary romantic and sexual relationships between co-workers or a supervisor and employee, while not forbidden, are considered by Management as unwise and having the potential for charges of sexual harassment. Given the uneven balance of power within such relationships, consent by the employee is suspect and may be viewed by others or, at a later date, by the employee as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work environment. If there is such a relationship, the parties need to be aware that one or both may be moved to a different department, or other actions may be taken.

If SPCO becomes aware of a sexual or romantic relationship between employees with whom there is a direct or indirect reporting relationship, the matter will be reviewed by human resources.

A charge of sexual harassment arising out of such a relationship will be investigated under these policies and procedures in the same manner as any other charge.

POLICY ON DISRESPECTFUL AND OFFENSIVE BEHAVIOR: Not all prohibited harassment and offensive behavior is based on a protected class. It is also the policy of the SPCO to have a workplace that is free from offensive, inappropriate or unprofessional behavior, including

bullying. Bullying is defined as persistent, malicious, unwelcome, severe and pervasive mistreatment that harms, intimidates, offends, degrades or humiliates an employee, whether verbal, physical or otherwise, at the place of work and/or in the course of employment.

Examples of disrespectful, offensive behavior or behavior which could constitute prohibited bullying include:

- Staring, glaring or other nonverbal demonstrations of hostility;
- Deliberate exclusion or social isolation;
- Personal attacks (angry outbursts, excessive profanity, or name-calling);
- Encouragement of others to turn against the targeted employee;
- Sabotage of a co-worker's work product or undermining of an employee's work performance;
- Repeated infliction of verbal abuse, such as the use of derogatory remarks, insults and epithets;
- Conduct that a reasonable person would find hostile, offensive, and unrelated to the employer's legitimate business interests.

COMPLAINTS RELATING TO PROHIBITED HARASSMENT OR DISREPECTFUL OR OFFENSIVE BEHAVIOR

What to do if you have experienced or witnessed offensive behavior, sexual harassment or other prohibited harassment:

1. While an employee is not obligated to confront the person or speak with them, if you are comfortable, you may choose to speak with the person initiating the offending conduct.
2. If an employee is uncomfortable or unwilling to take this step, or you have already spoken with the person and the behavior continues, report the behavior to your manager, the Director of Human Resources, or to any member of the Senior Leadership team. If you are uncomfortable reporting this internally, you may contact the InTouch line at 1-877-767-7781 www.InTouchWebsite.com/TellSPCO to report such concerns.

Once the SPCO has received a report of harassment or offensive behavior, an employee may be asked to put the facts surrounding the offensive conduct or communication in writing. The SPCO will conduct an investigation and take steps to investigate the complaint. The investigation may include interviews with the employee making the claim, the accused employee, and appropriate witnesses, depending upon the individual circumstances of the matter.

The determination of whether prohibited harassment or offensive behavior occurred will be made on a case-by-case basis, depending upon the circumstances of the matter, including the type of behavior alleged, the context in which the alleged behavior occurred, and any other facts deemed relevant. The employee making the complaint will be advised of the final disposition of the matter.

The SPCO will not retaliate against an employee for filing a complaint and will not tolerate or permit retaliation by management, employees or co-workers against an employee who brings a complaint of harassment or offensive behavior or who participates in the investigation of a complaint of prohibited harassment or offensive behavior.

IMPORTANCE OF COMMUNICATION

Respect for coworkers and effective communication are necessary elements in achieving the goals of a workplace free from harassment and offensive behavior. It is assumed that respectful and courteous behaviors are the usual forms of communication. However, because the workplace is composed of individuals who have varying levels of sensitivity, individuals are often not aware of the offensive nature of their behavior. If an employee is comfortable speaking directly to the person engaging in offensive behavior, employees are encouraged to take this step.

HOW TO GET MORE INFORMATION

Any questions regarding your obligations and those of others under this Policy should be directed to the Managing Director and President or to the Director of Human Resources.

PENALTIES FOR PROHIBITED HARASSMENT

A violation of this policy may be grounds for discipline, up to and including discharge, or other appropriate action.