



# **Roulette Intermedium Non-Discrimination and Anti-Harassment Policy**

## **Statement of Policy**

Roulette Intermedium, Inc. (Roulette) is committed to maintaining an environment that encourages and fosters appropriate conduct among all persons and respect for individual values. Accordingly, Roulette is committed to enforcing this Non-Discrimination and Anti-Harassment Policy and following the Complaint Procedures outlined below in order to create an environment free from discrimination, harassment, sexual assault, and/or retaliation.

Discrimination or harassment based on race, gender and/or gender identity or expression, color, creed, religion, age, national origin, ethnicity, disability, veteran or military status, sex, sexual orientation, pregnancy, genetic information, marital status, citizenship status, or on any other legally prohibited basis is unlawful and undermines the mission and values of Roulette. Such discrimination or harassment is unlawful, violates Roulette policy, and will not be tolerated.

Roulette prohibits discrimination, harassment (including sexual/gender harassment), sexual assault, and retaliation against employees, interns, contractors, and other third-parties conducting business with Roulette. These are considered forms of employee misconduct and sanctions will be enforced against individuals engaged in such misconduct.

Any form of retaliation against anyone who has complained of or reported discrimination, harassment (including sexual/gender harassment), or sexual assault, or has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining

person or someone else, will not be tolerated, violates both this Policy and applicable law, and may result in discipline.

## **To Whom This Policy Applies**

This policy applies to all employees, applicants for employment, interns and apprentices—whether paid or unpaid. It also applies to Roulette’s Board of Directors, Artistic Advisory Council, contractors, and any other persons conducting business with Roulette, including artists and rental clients. This Policy applies regardless of whether the alleged wrongdoer is an employee.

The Policy demonstrates Roulette’s strong commitment to prevent discrimination and harassment and reflects the requirements of the various federal, state and local laws which govern these important matters. This Policy should be read and understood in conjunction with the We Have Voice Code of Conduct, to which Roulette adheres.

## **Policy and Procedures**

### **I. DEFINITIONS**

- A. Discrimination** is adverse treatment of any employee based on the employee’s actual or perceived membership in a protected class or category of persons to whom he/she/they belongs, rather than on the basis of his/her/their individual merit with respect to the terms, conditions, or privileges of employment including, but not limited to hiring, firing, promoting, disciplining, scheduling, training, evaluating, or deciding how to compensate that employee.
  
- B. Harassment** prohibited by applicable discrimination laws is unwelcome verbal or physical conduct directed toward, or differential treatment of, an employee because of his/her/their membership or perceived membership in any protected group or on any other prohibited basis (e.g., race, gender and/or gender identity or expression, color, creed, religion, age, national origin, ethnicity, disability, veteran or military status, sex,

sexual orientation, pregnancy, genetic information, marital status or citizenship status). The harasser can be the employee's supervisor, a supervisor in another area, a coworker, or someone who is not an employee of Roulette, such as an artist or audience member.

Examples of such conduct include, but are not limited to:

- Offensive or degrading remarks, verbal abuse, or other hostile behavior such as insulting, teasing, mocking, degrading or ridiculing another person or group
- Racial slurs, derogatory remarks about a person's accent, or display of racially offensive symbols
- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes, epithets or demands
- Physical assault or stalking
- Displays or electronic transmission of derogatory, demeaning or hostile materials
- Unwillingness to train, evaluate, assist, or work with an employee

A hostile work environment results from harassing conduct that has the purpose or effect of unreasonably interfering with an employee's work performance, or creates an intimidating, hostile, offensive or objectionable working environment. Sexual/gender harassment is a specific form of discriminatory harassment and constitutes employee misconduct. Sexual/gender harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender and occurs under this Policy and under the law when an employee is being treated "less well" than other employees because of his or her sex/gender by being subjected to unwelcome verbal or physical conduct of a sexual nature. It can be caused by, for example, unwanted touching, offensive and suggestive gestures or comments, asking about a person's sex life or telling sexual jokes.

Generally, sexual/gender harassment is described as either "hostile environment" or "quid pro quo." Sexual/gender harassment which creates a "hostile environment"

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

Quid pro quo sexual/gender harassment is another form of sexual/gender harassment which occurs when a person in authority makes sexual demands or request for sexual favors are made in exchange for job benefits, continued employment, or as a basis for making any other employment decision. A person in authority for this purpose is someone who can affect or impact an employee's terms, conditions, or privileges of employment because he/she/they can take or impact action such as hiring, firing, promoting, disciplining, scheduling, training, evaluating or deciding how to compensate that employee.

A single incident of inappropriate behavior may be enough to rise to the level of sexual/gender harassment or discrimination under this Policy. Conduct that a reasonable person would consider nothing more than "minor slights" and/or "negligible inconveniences" may not amount to sexual/gender harassment under this Policy. What is "reasonable" or what amounts to "negligible inconveniences" or "minor slights" will depend on the circumstances and the parties involved, as well as the nature and duration of the conduct. However, even conduct that is determined not to rise to the level of sexual/gender harassment under this Policy may still violate Roulette's Code of Conduct and/or the organization's expectations for appropriate and professional employee behavior and, accordingly, may result in discipline as determined appropriate by Roulette.

Sexual/gender harassment is not limited to the physical workplace and can occur at related Roulette activities off premises. Activity by cell phone, emails, text messages and social media, even if they occur away from the workplace premises, not during work

hours or involve personal devices, can also constitute harassment prohibited by this Policy.

### **Examples of Sexual/Gender Harassment**

Sexual/gender harassment is unwelcome verbal or physical behavior based on a person's gender; it can include unwanted touching; offensive and suggestive gestures or comments; asking about a person's sex life or making sexualized remarks about a person's appearance; sexualizing the work environment with imagery or other items; or telling sexual jokes. Examples of prohibited conduct and the types of acts that may be unlawful sexual harassment are:

- Physical assaults of a sexual nature, such as:
  - Rape, sexual battery, molestation, or attempts to commit these assaults.
  - Intentional or unintentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employees' body.
  
- Adverse action or treatment after someone refuses sexual advances
  
- Unwanted sexual advances, propositions or other sexual comments, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the employee-complainant's job performance evaluation, a promotion, or other job benefits or detriments
  - Subtle or obvious pressure for unwelcome sexual activities
  - Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience
  
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning, pornographic in the workplace or on computers, emails, cell phones, social media or similar physical or digital locations.

- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or expression, and the status of being transgender, such as
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job
  - Sabotaging an individual's work
  - Bullying, yelling or name-calling.

**C. Sexual assault** is a sexual act against the will and without the consent of the employee-complainant or where the employee-complainant is incapable of giving consent. This includes conduct that would be considered criminal under the New York State Penal Code.

**D. Race Discrimination** involves treating someone (an applicant or employee) unfavorably because they are of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features). Color discrimination involves treating someone unfavorably because of skin color complexion. Race/color discrimination also can involve treating someone unfavorably because the person is married to or associated with a person of a certain race or color.

Discrimination can occur when the victim and the person who inflicted the discrimination are the same race or color.

**E. Retaliation** is any adverse action taken against an individual (applicant or employee) because he/she/they filed a charge of discrimination or harassment, complained to Roulette or a government agency about discrimination or harassment on the job, or

participated in an employment discrimination proceeding (such as an internal investigation or lawsuit), including as a witness. Retaliation also includes adverse action taken against someone who is associated with the individual opposing the perceived discrimination, such as a family member.

Examples of retaliation include termination, demotion, refusal to promote, or any other adverse action that would discourage a reasonable person from opposing perceived discrimination.

Discrimination, harassment, sexual assault, and retaliation are unacceptable in the workplace. This behavior violates Roulette policy even when it does not constitute a violation of law. Employees who violate this Policy will be subject to appropriate discipline, which may include termination. Violations of the Policy can expose Roulette to legal liability and can also expose the individual who has engaged in discriminatory and harassing actions to legal liability.

## **II. REPORTING DISCRIMINATION, HARASSMENT, RETALIATION, OR SEXUAL ASSAULT**

Any employee who believes that they have been subjected to discrimination, harassment, retaliation, or sexual assault prohibited by this Policy, or any employee who has witnessed such discrimination, harassment, sexual assault, or retaliation should immediately report the circumstances to Roulette's Managing Director using the attached Incident Report and Complaint Form. In the case of the Managing Director or an employee alleging actions by the Executive Director, complaints should be made to the Chairman of Roulette's Board of Directors. All complaints will be promptly and thoroughly investigated in a discreet manner. Roulette may investigate any conduct that violates this Policy, even in the absence of a complaint, and take remedial action where appropriate.

It is imperative that managers and supervisors not only adhere to but enforce this Policy. Managers and supervisors have a special obligation not to engage in discrimination, harassment, retaliation or sexual assault. All management and supervisory personnel have an affirmative duty and are required to promptly report any discrimination, harassment, retaliation or sexual assault that they observe, learn about from others, or reasonably suspect has

occurred with respect to an employee. Managers and supervisors who knowingly allow discrimination, harassment, sexual assault, and/or retaliation to continue will be disciplined.

### **III. INVESTIGATION AND DISPOSITION OF COMPLAINTS**

#### **A. Investigation**

Roulette will conduct a prompt, thorough and impartial investigation of a complaint as necessary and appropriate. Roulette will make every effort to complete its investigation within forty-five (45) days of a report of discrimination or harassment and will keep the investigation confidential to the extent possible.

Where a complaint alleges a potential violation of the Policy, the investigation will include an interview with both parties, as well as the person who made the initial report, if different than one of the parties, and/or any other person who may have information regarding the incident, each of whom is expected to cooperate with any investigation. The investigator may also review relevant documents. Both parties will have an opportunity to be heard and present information.

#### **B. Findings and Recommendations**

The investigator (in most cases Roulette's Managing Director) will report the findings of the investigation to both parties and Roulette's Executive Director.

Where the investigator concludes that a violation of this Policy has occurred, prompt and appropriate remedial action, including disciplinary action, will be taken. Depending on the circumstances, disciplinary action may include (but is not limited to): reprimand/verbal counseling, training, letters of warning or suspension, and termination. Discipline for a violation of this Policy need not be progressive, so a first violation of this Policy may warrant suspension or discharge depending on the nature and severity of the conduct.

### **IV. LEGAL PROTECTIONS AND EXTERNAL REMEDIES FOR SEXUAL HARASSMENT**

Sexual harassment is not only prohibited by Roulette, but is also prohibited by state, federal, and local law. Roulette strongly encourages employees to use Roulette's internal reporting



process as a starting point so that Roulette can promptly address conduct. However, aside from the internal process at Roulette, employees may also choose to pursue administrative remedies with the following governmental entities.

#### **United States Equal Employment Opportunity Commission (EEOC)**

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

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

The New York State Human Rights Law (NYSHRL), 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 regardless of immigration status. A complaint alleging violation of the NYSHRL 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.

#### **Local Protections**

Employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights, which enforces the New York City Human Rights Law.

### **V. CONFIDENTIALITY**

Roulette will maintain the confidentiality of the complaint, and the privacy of the persons involved, to the greatest extent possible, consistent with its goal of conducting a thorough and complete investigation and to the extent permitted by law.

### **VI. NON-RETALIATION**

Roulette will not in any way retaliate against an individual who reports a perceived violation of this Policy, participates in any investigation, or otherwise opposes perceived discrimination, harassment, or retaliation, including as a witness. It will also not retaliate against anyone associated with the individual who engages in such protected conduct, such as a family member.

Further, Roulette will not tolerate retaliation by any employee. Retaliation against anyone who complains of, testifies in, or assists in an investigation or proceeding involving discrimination, harassment, sexual assault, or retaliation is a serious violation of this Policy, as well as federal, state, and local law. Anyone who believes they have been subjected to retaliation should report the matter immediately according to the same procedure provided in this Policy for making complaints of discrimination, harassment (including sexual/gender harassment), or sexual assault. Any person found to have retaliated against another individual will be subject to the same disciplinary action provided under this Policy for other violations.

## **Conclusion**

The specific examples of harassment and discrimination given above are not to be construed as an all-inclusive list of prohibited acts under this Policy. Harassment of any kind will not be tolerated.

I acknowledge receipt of the Roulette Non-Discrimination and Anti-Harassment Policy. I recognize that failure to abide by this procedure may lead to disciplinary action, up to and including termination of employment.