



## PASADENA SOCIETY OF ARTISTS ANTI-DISCRIMINATION AND HARASSMENT POLICY

The environment of Pasadena Society of Artists ("PSA") should be characterized by mutual trust, dignity, and respect. PSA will not tolerate unlawful discrimination, harassment, intimidation or bullying.

All PSA members 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 member who violates this policy. Based on the seriousness of the offense, disciplinary action may include reprimand, suspension, or termination of PSA membership.

Members who knowingly engage in or tolerate discrimination, harassment, or intimidation, including the failure to immediately report such misconduct to PSA's Board ("Board"), are in violation of this policy and subject to discipline.

The intent of this policy is to restate current law as it applies to PSA. **This policy shall not create any heightened duties of care, or any liability exposure, to any PSA member.**

Moreover, as an arts organization comprised of diverse artists with different backgrounds, PSA recognizes that member artwork may be deemed offensive, challenging, obscene, or distressing to some viewers.

**Notwithstanding anything contained in this policy, this policy is not to be used or consulted in the selection or display of member artwork.** Freedom of artistic expression is of paramount importance to PSA.

### Prohibited Conduct Under This Policy

Pasadena Society of Artists, in compliance with applicable laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

**Discrimination:** It is a violation of PSA's policy to discriminate in providing membership opportunities if the basis of that discriminatory treatment is the person's race, color, national origin, age, religion, disability status, sex, sexual orientation, gender identity or expression, or marital status as set forth under existing law.

**Harassment:** PSA prohibits harassment of any kind. For purposes of this policy, harassment is any verbal, nonverbal, or physical statements or conduct designed to threaten, intimidate or coerce any other member of PSA. These types of behavior can violate policy even if done in a joking manner and even if no intention to offend exists. Similarly, being under the influence of alcohol or other substances does not excuse behavior that violates this policy.

**Sexual harassment** includes unwelcome sexual advances, and other verbal or physical conduct of a sexual nature, where such conduct has the purpose or effect of creating an intimidating or offensive environment. Sexual harassment may take different forms. Examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy.

**Verbal sexual harassment** includes offensive and unwelcome suggestive comments, jokes of a sexual nature, lewd remarks, and verbal abuse or "kidding."

**Nonverbal sexual harassment** includes leering, whistling, obscene gestures, written sexualized content, or other forms of communication that are sexual in nature and offensive.

**Physical sexual harassment** includes unwelcome, unwanted physical contact, including touching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

Note that mutually respectful, pleasant, noncoercive interactions between members that are acceptable to, and welcomed by, both parties are not considered to be harassment.

### **Complaint Procedure & Importance of Communication to PSA Board**

Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing, to the PSA Board. Should a Board member become aware of a harassment complaint, the Board member shall make the complaint known to the other Board members.

Upon receiving a complaint, or being advised of a potential violation of this policy, The PSA Board will investigate to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred. During the investigation, the Board will interview the complainant (i.e. the person raising the complaint), the respondent (i.e. the PSA member against whom the complaint has been raised), and any witnesses to determine whether the alleged conduct occurred.

Should a Board member be a respondent to a complaint, that Board member shall recuse themselves from the investigation and any subsequent Board recommendations relating to the complaint.

Upon conclusion of an investigation, the Board will submit a written report of its findings to the complainant and the respondent. If a violation of this policy has occurred, the Board may recommend appropriate disciplinary action. The appropriate action will depend on the following factors: (A) the severity, frequency and pervasiveness of the conduct; (B) prior complaints made against the respondent; (C) the quality of the evidence (e.g., firsthand knowledge, credible corroboration), and (D) any other factors the Board deems relevant to the investigation.

If the investigation is inconclusive, or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the Board may recommend appropriate preventive action.

If the investigation results in a disciplinary recommendation, the Board shall give the respondent PSA member the opportunity to contest the findings and recommendations with sufficient time and notice for the respondent PSA member to provide a defense.

### **Confidentiality**

All complaints and investigations are treated confidentially to the extent practical, and information is disclosed strictly on a need-to-know basis. However, if a written complaint is offered, the identity of the complainant is usually revealed to the parties involved during the investigation. PSA will accept confidential reporting of incidents and will investigate and respond accordingly, but the Board will not be able to impose substantive discipline upon a respondent member unless the identity of the complainant is revealed to the respondent.