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## Sexual and Other Forms of Illegal Harassment or Discrimination

TCA is committed to maintaining a work environment that is free of illegal harassment and discrimination. In keeping with this commitment, TCA prohibits discrimination against or harassment of its employees by anyone, including any supervisory personnel, co-worker, vendor, client, or customer of TCA.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a person's protected status, such as gender, sexual orientation, marital status, familial status, color, race, religion, national origin, age, physical or mental disability, veteran, or other protected group status. TCA prohibits harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive work environment as prohibited by law.

Sexual harassment, as defined by law, is strictly prohibited. Sexual advances, requests for sexual favors, or other physical, verbal, or visual conduct based on gender constitutes sexual harassment when the conduct is unwelcome and (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. The same standards apply to harassment based on race, national origin, and other protected group status.

Whether or not certain types of conduct rise to the level of illegal harassment or discrimination, as defined by law, depends on the facts and circumstances in each particular instance. When viewed in light of all of the surrounding circumstances, courts have found that the following types of conduct may give rise to a claim of harassment or discrimination:

1. Intimidating, hostile, derogatory, contemptuous, or otherwise offensive remarks, visual conduct, or physical conduct that is directed at an individual or group (i) based on race, national origin, religion, gender, sexual orientation, marital status, familial status, disability, age, veteran, or other protected group status; or (ii) related to or suggesting sexual matters

Examples may include, without limitation:

- Unwelcome sexual advances—whether or not they involve physical touching and whether or not between members of the same or opposite sex;
- 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; use of sexual innuendo;

- Displaying or sharing with co-workers sexually-suggestive objects, pictures, cartoons, etc.;
- Displaying or sharing with co-workers objects, pictures, cartoons, etc. that display individuals, or a group generally, in a derogatory or disrespectful light based on gender, race, national origin, color, age, disability, religion, veteran status, etc.;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Name-calling based on someone's race, national origin, color, disability, religion, age, gender, sexual orientation, veteran status, etc.;
- Bantering with the use of sexually-suggestive, racial, ageist, etc. comments or innuendo;
- Stereotypes based on age, gender, sexual orientation, marital status, familial status, national origin, religion, race, disability, etc.; or
- Derogatory or contemptuous comments based on gender, sexual orientation, marital status, familial status, race, national origin, religion, age, disability, veteran, or other protected group status.

2. Threats/Promises: Solicitation or coercion of sexual activity, dates, or the like by the implied or express promise of rewards or preferential treatment or the express or implied threat of punishment.

TCA wants all of its employees to work in an environment free of unwelcome harassment or discrimination, but TCA can respond to concerns about harassment or discrimination only if it is aware of the problem. Further, failure to report any conduct that an employee believes may violate this policy may affect the employee's legal rights.

Thus, if you believe you are being subjected to any inappropriate conduct prohibited by this policy, or if you become aware of such conduct being directed at someone else, TCA strongly encourages you to notify one of the following individuals:

- Any member of the Executive Committee, or
- TCA's HR Rep.

If any of the above-individuals is engaged in the conduct that you believe is prohibited by this policy, you should notify one of the other individuals listed herein.

All reported incidents will be investigated promptly. TCA expects all employees to (a) cooperate in the investigation, and (b) take no action that would interfere with the investigation. All complaints will be kept confidential to the extent reasonable and will be disclosed only as reasonably necessary to allow TCA to investigate and respond to the complaint. Any special concerns about confidentiality will be addressed at the time they are raised.

Any employee who violates this policy is subject to disciplinary action. Disciplinary action will depend on the gravity of the offense and not on the status of the offender and may include immediate discharge in appropriate circumstances. No employee is protected against disciplinary action for violating this policy because of his/her position at TCA or because he/she is friends with or related to any manager or other supervisory personnel. TCA will take whatever action it deems necessary to discipline anyone who violates this policy and to prevent an offense from being repeated.

This policy is governed by applicable state and federal laws that prohibit discrimination and harassment in employment. If any conflict exists between this policy and the governing laws, those laws will control. This policy does NOT expand protection beyond that required by applicable federal or state law (depending on the state in which you work) and does not create any contractual rights or obligations between you and TCA.

**SEXUAL AND OTHER FORMS OF ILLEGAL HARASSMENT OR DISCRIMINATION  
POLICY RECEIPT AND ACKNOWLEDGEMENT**

I acknowledge that I have received the Tuacahn Center for The Arts Policy Statement on Sexual and Other Forms of Illegal Harassment or Discrimination. I understand that it is my responsibility to be familiar with and conform to the procedures contained in this policy. I am expected to abide by the rules and requirements contained in the policy with regard to the reporting of harassment, including the obligation to report violations of the policy and not to retaliate against anyone for exercising his/her rights under this policy.

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Printed Name

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Signature

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Date

Tuacahn Center for The Arts affirms its commitment to ensuring a work environment that is free from any form of harassment and discrimination including sexual harassment.