

# **Black Gold Performing Arts**

## **Code of Conduct, Ethics, and Whistleblower Policy**

In accordance with the Black Gold Performing Arts mission, all board members, staff, performers, and volunteers of the Black Gold Performing Arts are expected to accept and act in accordance with the following Code of Conduct, Ethics, and Whistleblower Policy.

**Board Member:** Any person holding a position on the Board of Directors

**Staff:** Any person who is paid by the Black Gold Performing Arts and provides a service to any of its ensembles.

**Performers:** A person who has been contracted to perform in a Black Gold Performing Arts ensemble.

**Volunteer:** Any person/entity who freely gives their time or service to the Black Gold Performing Arts.

### **CONDUCT**

#### **General Conduct**

All parties representing the organization must consider their actions an extension of the Black Gold Performing Arts at all times. You are considered ambassadors for the organization and are expected to uphold the highest ethical standards. In situations good and bad, you must be gracious and courteous. Any conduct which may reflect negatively on the Black Gold Performing Arts will not be tolerated. Your interactions with others should not be rude, inappropriate, abusive, derogatory, threatening, or go against the mission of the organization. Failure to follow the Code of Conduct and Ethics may be grounds for termination, suspension, or refusal of services.

The Black Gold Performing Arts also reserves the right to discipline, suspend, or remove anyone associated with the Black Gold Performing Arts that engages in or is alleged to have engaged in any unlawful activity outside of the organization to the extent consistent with applicable law.

#### **Social Media and Online Presence**

The Black Gold Performing Arts understands and respects that you have a personal life aside from the organization. Your freedom to speech and expression is appreciated and valued. However, as an ambassador for the Black Gold Performing Arts, if it is found that your personal posts in public forums are counter to our mission statement, illegal, threatening, or harassing in nature you may be asked to issue a formal apology, retract the post, and/or be removed from your position.

There are those designated by the organization to post/speak as the Black Gold Performing Arts. You are welcome to share these posts in a manner that supports the mission statement and in a positive light. Without prior approval, you are not to act in that capacity. However, you may post of your own accord in a manner supporting the organization or as an extension to an approved post.

When posting to any public forum, it should be expected that donors, potential performers, colleagues, friends and family, and the media can view them. Use common sense, professional judgment, and caution.

Always remember that anything posted on the Internet is permanent. While it is possible to have it 'taken down' it may still exist somewhere for years to come. Even after the immediate damage, it may return again in the future. If misinterpreted or perceived negatively, such postings can do serious, immediate, and long-term damage to the reputation of an individual or Black Gold Performing Arts.

Violation of these guidelines can lead to disciplinary action including suspension and/or termination.

### **Intoxication**

Black Gold Performing Arts Board, Staff, Performers, and Volunteers agree to not consume or be under the influence of illegal, recreational, or prescription drugs, or alcohol while performing their duties to the organization.

The use of illegal or recreational drugs is strictly prohibited. The use or possession could lead to suspension or removal from their position and may warrant the need for law enforcement involvement.

If prescription drugs are required per a medical professional, and could impair one's ability to perform their duties in a way that could cause harm to themselves or others, it is that person's duty to notify staff or a board member. Every attempt to modify one's duties will be made with emphasis on personal health and overall safety for those involved.

This modification decision will be expressed in writing to the petitioner and the Board will retain a copy. If others are affected, it will be communicated to them only as needed to maintain safety and as not to infringe on the petitioner's privacy.

Failure to abide by the modification can result in serious harm to the person or those around them. It can also be ground for disciplinary action, suspension, or removal from their position.

Alcohol while acting in a role associated with Black Gold Performing Arts is allowed for those over the age of consumption once their obligations to the organization are completed for the day. Consumption still must be done responsibly, legally, and at a time that will not interfere with the operations of the organization. i.e. after rehearsals or contests or during a banquet/gala event.

It is unlawful to bring alcohol onto any school grounds or most arena facilities. Violation of these laws could result in immediate dismissal or suspension.

Anyone driving a vehicle for or transporting Black Gold Performing Arts personnel must refrain from consuming any alcohol beverages before or during operation of vehicles.

## **ETHICS**

### **Discrimination and Harassment**

Black Gold Performing Arts strives to create and maintain an environment in which all people are treated with dignity and respect. Our mission leads us to an environment where we should be characterized by mutual trust and the absence of intimidation, oppression, and exploitation. Black Gold Performing Arts will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of all those under the Black Gold Performing Arts umbrella, we will seek to prevent, correct, and discipline behavior that violates this policy.

All Board, Staff, Performers, and Volunteers 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 anyone who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment.

Anyone who knowingly allows or tolerates discrimination, harassment or retaliation, including the failure to immediately report such misconduct are in violation of this policy and subject to discipline.

It is a violation of Black Gold Performing Arts' policy to use discriminatory evaluative standards in any paid position if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, or marital status. This policy is intended to comply with the prohibitions stated in anti-discrimination laws. Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate, or coerce any Board, Staff, Performer, or Volunteer working for or on behalf of Black Gold Performing Arts.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status or other protected status.

### **Sexual Harassment**

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under Black Gold Performing Arts' anti-harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for employment decisions or such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment."

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Is made explicitly or implicitly a term or condition of employment or performance.
- Is used as a basis for an employment or role decision.
- Unreasonably interferes with one's work performance or creates an intimidating, hostile, or otherwise offensive environment.

Sexual harassment may take different forms. The following 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 innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or

insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and Internet postings; or other forms of communication that are sexual in nature and offensive.

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

Courteous, mutually respectful, pleasant, noncoercive interactions between any Board, Staff, Performer, or Volunteer that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

### **Romantic/Sexual Relationships**

Black Gold Performing Arts strongly discourages romantic or sexual relationships between anyone in a position of authority or persuasion and another person who reports directly or indirectly to that person. Such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in decisions affecting our organization.

Moreover, given the uneven balance of power within such relationships, consent by the non-person of authority is suspect and may be viewed by others, or at a later date by the person in question, 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 our mission. If there is such a relationship, the parties need to be aware that one or both may be removed of their positions or other actions may be taken.

Given the nature of the Black Gold Performing Arts, these expectations for relationships are to be followed for the entirety of a person's contract, which is typically for one performance season. Once the obligations of the contract have been fulfilled and have expired, these expectations would no longer be in effect.

If a relationship exists prior to being contracted with the Black Gold Performing Arts, which may result in a violation of the above terms, it shall be disclosed to the organization immediately.

If any Board, Staff, Performer, and Volunteer, after being contracted, wishes to enter into a consensual relationship that is romantic or sexual in nature where one of the parties is in a position of authority or holds the power to make decisions about/for the other person, the parties must notify a Staff member or Board of Directors representative, whichever is most

appropriate. Because of potential issues regarding quid pro quo harassment, Black Gold Performing Arts has made reporting mandatory for all associated with the organization.

Once the relationship is made known to Black Gold Performing Arts, the Compliance Committee will review the situation in light of all the facts (reporting relationship between the parties, effect on co-workers, job titles of the parties, etc.). The parties will be given the option of terminating their relationship or resigning their position. If the parties cannot amicably come to a decision, the Board of Directors will terminate the contract of one of the parties. That decision will be based on which party's removal will be least disruptive to the organization as a whole.

If it is found that a romantic or sexual relationship was entered into that is in violation of the above terms, and has not been properly disclosed beforehand, the contract for both parties will be terminated immediately.

## **WHISTLEBLOWER POLICY**

### **Reporting Responsibility**

This Whistleblower Policy is intended to encourage and empower anyone to raise serious concerns so that Black Gold Performing Arts can address and correct inappropriate conduct and actions. It is the responsibility of all Board, Staff, Performers, and Volunteers to report concerns about violations of Black Gold Performing Arts' code of ethics or suspected violations of law or regulations that govern Black Gold Performing Arts' operations. Violation reporting is mandatory for all associated with the organization.

### **Confidentiality**

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation, and the Board of Directors will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files within the Board of Directors.

### **Retaliation**

It is contrary to the values of Black Gold Performing Arts for anyone to retaliate against any Board, Staff, Performer, or Volunteer who in good faith reports an ethics violation, or a suspected violation of law, suspected fraud, or suspected violation of any regulation governing the operations of Black Gold Performing Arts.

No hardship, loss, benefit, or penalty may be imposed on any Board, Staff, Performers, or Volunteers in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Lodging a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual's position with the Black Gold Performing Arts. However, filing groundless, or malicious complaints is an abuse of this policy and will be treated as a violation.

Any person who is found to have violated this aspect of the policy will be subject to discipline up to and including termination.

### **Reporting Procedure**

The Black Gold Performing Arts requires all Board, Staff, Performers, and Volunteers observe high standards of business and personal ethics in the conduct of their duties and responsibilities. We must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

**Black Gold Performing Arts** has an open-door policy and encourages any Board member, Staff, Performer, or Volunteer to share their questions, concerns, suggestions, or complaints. The organization will treat all aspects of the procedure confidentially to the extent reasonably possible. Information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation, and the Board of Directors will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files within the Board of Directors.

**Black Gold Performing Arts** has established the following procedure for lodging a complaint of harassment, discrimination, violation, or retaliation:

1. Complaints should be submitted as soon as possible after an incident has occurred to BlackGoldCares@gmail.com email address or anonymously on the website, <https://blackgoldperformingarts.com>, which will be submitted directly to the Compliance Committee,
2. Once a member of the Compliance Committee has received the complaint, they will immediately inform the complainant that they have received the information, if applicable, and will be initiating an investigation.

3. Upon receiving or being advised of a complaint, legal counsel may need to be consulted.
4. The Board Compliance Committee will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of policy or law occurred.
5. If necessary, the complainant and the respondent will be separated during the course of the investigation.
6. During the investigation, the Compliance Committee, together with legal counsel or other Board Members, will interview the complainant, the respondent, and any witnesses to determine whether the alleged conduct occurred.
7. Upon conclusion of an investigation, the Compliance Committee will submit a written report of their to the full Board of Directors. If it is determined that a violation of this policy has occurred, the Board of Directors will 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 by the complainant;
  - c) prior complaints made against the respondent; and
  - d) the quality of the evidence (e.g., firsthand knowledge, credible corroboration).

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 Compliance Committee may recommend appropriate preventive action.

1. The Compliance Committee will review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with the Board of Directors, and decide what action, if any, will be taken.
2. Once a final decision is made by the Board of Directors, a member of the Compliance Committee will meet with the complainant and the respondent separately and notify them of the findings of the investigation. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

If a member of the Board of Directors is listed in the complaint, they will immediately recuse themselves from all Committees and Board responsibilities for the duration of the investigation. They are to have no contact with the complainant or interfere with the investigation in any way.

## **DISCIPLINARY ACTION**



Any Board, Staff, Performer, or Volunteer who is found to be in violation of the Black Gold Performing Arts Code of Conduct, Ethics, or Whistleblower Policy will be subject to investigation as conducted by the Compliance Committee. Based on the circumstances considered, the decision to apply disciplinary action or dismissal may be recommended by any Board Member, but must be voted upon by the full Board.