CODE OF CONDUCT
2022-2023
DANCE COMPANY

GENERAL POLICIES

1. SEXUAL (AND OTHER) HARASSMENT

DANCE COMPANY is committed to providing a work environment where all individuals are treated with respect and dignity; discrimination and harassment of any form are strictly prohibited. All employees are responsible for detailed knowledge of this policy, must comply fully with the letter and spirit of this policy, and are responsible for helping to prevent discrimination and harassment in and outside the workplace.

DANCE COMPANY policy prohibits conduct that is harassing, discriminatory, or retaliatory whether it is engaged in by DANCE COMPANY employees, supervisors, managers, officers, or third parties with whom DANCE COMPANY employees interact in connection with their work, including but not limited to vendors, consultants, contractors, guests, interns, donors, or DANCE COMPANY Board Members. These policies protect all applicants for employment, employees (temporary, full-time, and part-time), officers, guests, consultants, contractors, volunteers, interns, donors, DANCE COMPANY Board Members and other business associates. Employees should be mindful that statements or actions may violate DANCE COMPANY policy and/or constitute unlawful discrimination or harassment (sexual or otherwise) even if an individual does not intend his or her conduct to be discriminatory or offensive.

Conduct prohibited by these policies is unacceptable in the workplace, and may also violate DANCE COMPANY policy when occurring away from the office, including but not limited to during business trips, business meetings, or business-related social events. The scope of prohibited behavior described below extends to conduct on electronic media, including but not limited to via text messages, e-mails, social networking, message boards, instant messaging, blogs and/or other social media, and such conduct may violate DANCE COMPANY policy even if engaged in when away from DANCE COMPANY and during non-working time.

Any employee who believes that he or she has experienced, witnessed, or otherwise become aware of discrimination or harassment (or potential discrimination or harassment) in violation of this policy is strongly encouraged to report the incident to the Manager of Finance & Human Resources or any management representative with whom the employee feels comfortable, regardless of who the offender may be. Non-employees are also strongly encouraged to report conduct that they believe may violate this policy to the Company.

If a supervisor or manager is aware of, or has concerns about, any behavior that could be considered a violation of this policy, it is their obligation to report it pursuant to the reporting procedures described below, **regardless of whether s/he personally believes that the conduct in question violates these policies**. The supervisor or manager should not refrain from reporting potential policy violations merely because he or she regards the violation as trivial, or because he or she has been asked not to. A supervisor or manager's failure to fulfill these responsibilities

will not be tolerated and may result in disciplinary action up to and including termination of employment.

Finally, this policy should not, and may not, be used as a basis for excluding or separating individuals with a particular protected characteristic from participating in business or work-related social activities or discussions in order to avoid allegations of discrimination or harassment. The Company's policies prohibit disparate treatment on the basis of any protected characteristic with regard to terms, conditions, and privileges of employment (as described below).

Reasonable Accommodations

It is DANCE COMPANY'S policy to make reasonable accommodations for qualified employees or applicants who have a disability or religion-based need, who are pregnant or recovering from childbirth or a related medical condition, or who have been subject to domestic violence, a sex offense, or stalking, or who require an accommodation based on their military status, and have made those needs known to DANCE COMPANY. The Company will provide a reasonable accommodation in such circumstances, unless doing so creates an undue hardship for DANCE COMPANY. Any employee or applicant who believes that he or she requires a reasonable accommodation to perform an essential job function, enjoy equal benefits and privileges of employment, or complete an employment application should contact the Manager of Finance & Human Resources or the Executive Director. DANCE COMPANY may request that the individual authorize access to additional information to assess and act on the accommodation request. DANCE COMPANY will maintain as confidential, to the extent possible, all accommodation requests related to disability, pregnancy, childbirth, a related medical condition, military service, or due to domestic violence, a sex offense or stalking.

Anti-Harassment Policy

DANCE COMPANY is committed to providing a work environment where all persons can work together comfortably and productively, free from unlawful discrimination and harassment. The Company's expectations regarding appropriate workplace conduct are higher and broader than those imposed by the law, so that it is possible for conduct to not violate the "letter of the law" but to still violate DANCE COMPANY policy, and therefore subject an individual to disciplinary or other corrective action. DANCE COMPANY prohibits the behaviors described below not only because these behaviors can subject individuals and DANCE COMPANY to legal liability, but, more importantly, because these behaviors can have the effect of making it uncomfortable and difficult for coworkers and other colleagues to function effectively in the workplace.

Sexual Harassment

Sexual harassment is a form of unlawful discrimination. While it is not always easy to define precisely what constitutes sexual harassment, it certainly includes, but is not limited to: unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, such as uninvited touching or sexually-related comments, when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, advancement, compensation, work assignment, or any other terms or conditions of employment;

- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual, such as salary levels, or promotions, or work assignments; or

- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may also include a wide range of behaviors involving individuals of the same or different sex or gender. Depending on the circumstances, sexual harassment may include, but is not limited to:

- implicitly or explicitly promising benefit(s) or threatening harm to an individual in an attempt to obtain sexual favors from the individual;
- unwelcome sexual advances, or physical contact;
- sexually-related or sexually discriminatory comments, gestures, written statements, pictures, or other displays (whether verbal, written, or electronic), including but not limited to: unwelcome, obscene, vulgar, or derogatory sexual statements, jokes, innuendo;
- spreading rumors.

Sex- and gender-based harassment – that is, harassment not involving sexual activity or language – may also be discriminatory or violate DANCE COMPANY policy if it is directed at employees because of their sex (including pregnancy, childbirth, or a related medical or common condition), sexual orientation, or gender identity or expression. Other forms of harassment are discussed in greater detail below.

While DANCE COMPANY does not prohibit employees from engaging in consensual romantic or sexual relationships with each other, the Company discourages relationships between DANCE COMPANY employees because it is sometimes difficult to distinguish between consensual and unwelcome situations, and can create perceptions of unwarranted favoritism or preferential treatment. Consensual relationships between employees or DANCE COMPANY representatives and affiliated third parties, such as DANCE COMPANY Board Members, fellows, consultants, contractors, volunteers, interns, or donors are also discouraged, as they may similarly create impressions of undue preferential treatment, for example, in selecting an independent contractor or vendor, or providing academic references. In any event, DANCE COMPANY strictly prohibits an individual from participating in employment and other business decisions that may reward or penalize an employee or third party affiliated with the Company with whom he or she has or had a romantic or sexual relationship (including, but not limited to, hiring, evaluations, promotions, work assignments, discipline, vendor or contractor selection, and providing professional or academic references). For example, if a romantic and/or sexual

relationship develops between a supervisor and employee, it should be reported to a manager or supervisor, and the supervisory relationship must be terminated immediately.

All employees are strongly encouraged to promptly report any potential violation of this policy in accordance with the reporting procedures below. Managers and supervisors are required to report any potential violations of which they become aware.

Other Forms of Harassment

Other forms of harassment are also strictly prohibited. Under this policy, harassment is unwelcome verbal or physical conduct that:

(1) Denigrates or shows hostility or aversion toward an individual because of the individual's actual or perceived race, creed, color, religion, national origin, alienage or citizenship status, ancestry, sex (including pregnancy, childbirth, or a related medical or common condition), age, disability, marital status, familial status, partnership status, military status, sexual orientation, gender identity or expression, or any other characteristic protected by applicable federal, state, or local laws (including, but not limited to, all protected characteristics expressly listed in the section of this handbook describing DANCE COMPANY policy on Equal Employment Opportunity); and

(2) Has the purpose or effect of creating an intimidating, hostile, or offensive 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.

Examples of harassing conduct include, but are not limited to: epithets, slurs, denigrating jokes, or negative stereotyping; threatening, intimidating, or hostile acts (including but not limited to bullying, yelling, name-calling, interfering with or damaging a person's workstation, equipment, or property, sabotaging an individual's work, or otherwise interfering with an individual's ability to perform their job); and displaying, sending, or circulating written or graphic material or verbal messages through any means (including but not limited to memos, e-mail, or voicemail) that denigrate or show hostility or aversion toward an individual or group.

All employees are strongly encouraged to promptly report any potential violation of this policy in accordance with the reporting procedures below. Managers and supervisors are required to report any potential violations of which they become aware.

Reporting

DANCE COMPANY strongly urges employees to report all incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that is contrary to DANCE COMPANY's policy, who have observed an incident that they believe violates this policy, who have been informed that such an incident has occurred, or who have concerns about such matters should report this information as soon as possible to:

- their immediate supervisor,
- the Executive Director,
- the Manager of Finance & Human Resources
- any other manager

Employees are not required to file a complaint with their supervisor before bringing such matters to the attention of one of the other individuals identified above. While there is no time limitation on reporting such conduct, DANCE COMPANY strongly encourages employees to promptly report complaints and concerns so that the matter can be investigated as soon as possible.

Managers and supervisors who receive a complaint or become aware (directly or indirectly) of possible sexual or other unlawful harassment, discrimination, retaliation, or other violations of DANCE COMPANY's Equal Employment Opportunity and Anti-Harassment Policies, or who otherwise have concerns about any behavior that could be considered a violation of these policies, must promptly notify the Executive Director. Failure to do so may result in disciplinary action up to and including termination of employment.

Reports may also be made anonymously to the Executive Director; however a complete and appropriate investigation may not be possible unless the source(s) of the information is identified.

This complaint procedure does not prevent individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

A form for reporting potential violations of this policy is included at the end of this policy. Hard copies are available. However, employees and non-employees are not required to use the DANCE COMPANY -provided form to report information under this policy.

The Investigation

DANCE COMPANY will promptly, thoroughly, and impartially investigate any and all reports or complaints of sexual or other unlawful harassment, discrimination, retaliation, or other violations of this policy. All complaints of discrimination, harassment or other violations of this policy will be treated seriously and with discretion. DANCE COMPANY will endeavor to maintain confidentiality throughout the investigatory process to the extent practical and appropriate under the circumstances.

Although the specific investigative measures taken in any particular situation will depend on the nature of the complaint and the facts brought forward, DANCE COMPANY's general protocol may include: interviewing the individual(s) who have raised an issue or complaint, the individual(s) who are accused of violating DANCE COMPANY policy, and any individual(s) identified as witnesses to the conduct in question. Depending on the circumstances, DANCE

COMPANY may conduct additional interviews, compile and review relevant documents and other records, request witness statements, or take other action.

When the investigation is complete, the investigator will discuss his or her findings with applicable senior management employees and/or DANCE COMPANY Board members, who will determine whether DANCE COMPANY's policy has been violated and, if so, what form of corrective action is most appropriate.

Where appropriate, DANCE COMPANY will inform an individual who has filed a complaint of its determination as to whether DANCE COMPANY's policy was violated. However, DANCE COMPANY will not disclose the nature of any disciplinary action that may have been taken because discipline is a confidential matter between DANCE COMPANY and the individual who is the subject of the corrective action. Discipline can take many forms, and individuals who raise concerns should not assume that disciplinary measures have not been implemented simply because they are not aware of them.

Corrective Action

DANCE COMPANY will take appropriate action to remedy any conduct that violates this policy. Any employee who is found to have violated this policy by engaging in or condoning harassment, discrimination, or retaliation, and managers and supervisors whom DANCE COMPANY has determined have not fulfilled their obligations under this policy, will be subject to appropriate corrective action, up to and including termination of employment. Corrective action may include, but is not limited to, training, referral to counselling, a verbal or written warning, withholding a promotion or pay increase, demotion, reassignment, temporary suspension without pay, or separation from employment, as DANCE COMPANY determines is appropriate under the circumstance. Third parties who engage in conduct DANCE COMPANY determines violates this policy will also be subject to corrective action appropriate to the circumstances.

No Retaliation

No adverse employment action will be taken against any employee for making a good-faith report of alleged discrimination or harassment, or other conduct that the employees believes violates this policy. DANCE COMPANY strictly prohibits employees, managers, supervisors, officers, or affiliated third parties from directly or indirectly threatening, harassing, intimidating, discharging, demoting, suspending, or in any other manner discriminating or retaliating against any individual who in good faith reports information in accordance with this policy or under applicable law (whether pertaining to himself, herself, or a colleague), opposes or protests harassment or discriminatory conduct (including, but not limited to, encouraging colleagues to report harassment), or participates in an investigation, hearing, or other proceeding concerning workplace discrimination or harassment. Prohibited retaliation may include conduct occurring outside the workplace or directed at non-employees. Retaliation is a serious violation of the law and DANCE COMPANY's policy and, like harassment or discrimination itself, will be subject to disciplinary or other corrective action up to and including termination of employment. Employees and affiliated third parties should immediately report any conduct they believe to be retaliatory (and any such concerns will be investigated promptly) in accordance with the reporting and investigation procedures described above.

Liability for Prohibited Conduct

Any employee who has engaged in prohibited discrimination, sexual or other harassment, or retaliation, or who has otherwise contributed to the creation or continuation of a hostile work environment – including any supervisor or manager who knew about the discrimination, harassment, or retaliatory conduct and took no action to stop it – may, in addition to any disciplinary action taken by DANCE COMPANY, be held personally liable for monetary damages if a civil action is filed against him or her. DANCE COMPANY will not pay damages assessed personally against an employee for engaging in any behavior that violates this policy. DANCE COMPANY may, in its sole discretion, decline to provide legal, financial, or other similar assistance to an individual accused of discrimination or harassment if a legal complaint is filed against him or her personally because of conduct that violates this policy.

Legal Protections

Discrimination, harassment, and retaliation are prohibited by DANCE COMPANY policy and applicable law. In particular, employees may choose to pursue legal remedies for unlawful discrimination, harassment, or retaliation with the following governmental entities at any time:

New York State Division of Human Rights ("DHR")

The Human Rights Law ("HRL"), 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 Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to DANCE COMPANY does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth[WU1] Floor, Bronx, New York 10458, (718) 741-8400, www.dhr.ny.gov. The Manhattan office is located at 163 W 125th St #1, New York, NY 10027, (212) 961-8650.

You may contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

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. There is no cost to file a complaint with the EEOC. 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.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.govor via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Employee may contact the City Commission's main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Dance Company || Reporting Form

Equal Employment Opportunity, Non-Discrimination, and Anti-Harassment Policy

The New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for employees to report alleged incidents of sexual harassment. This complaint form, however, may be used for reporting any potential violations of DANCE COMPANY'S Equal Employment Opportunity, Non-Discrimination, and Anti-Harassment Policy, including discrimination, sexual or other harassment, a failure to accommodate, or retaliation. If you believe that you have been subjected to sexual or other harassment, discrimination, or retaliation, or improperly denied an accommodation, you are encouraged to complete this form and submit it to the Executive Director (in person or by email). DANCE COMPANY will promptly, thoroughly, and impartially investigate any and all reports in accordance with its Equal Employment Opportunity, Non-Discrimination, and Anti-Harassment Policy.

You do not have to complete this form to file a complaint or report information about conduct that violates or may violate DANCE COMPANY's policy. If you are more comfortable reporting information verbally or in another manner, DANCE COMPANY will still investigate your report in accordance with its established policy. Reports may also be made anonymously to the Executive Director; however a complete and appropriate investigation may not be possible unless the source(s) of the information is identified.

Your Information:

Name:
_____

· Home/Cell Phone: _____ · Work Phone: _____

· Preferred Address: _____

· Preferred Email: _____

Preferred Communication Method(s) (check one or more of the above)

Relationship to DANCE COMPANY (e.g., employee, contractor, etc.): _____

Employer (if not employed by DANCE COMPANY):
_____

Report Information

Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

1. Please describe the conduct or incident(s) that are the basis of this report and your reasons for believing that concluding that the conduct may violate or violates DANCE COMPANY'S Equal Employment Opportunity, Non-Discrimination, and Anti-Harassment Policy.

2. Please list any individuals involved in or witnessing the conduct or incident(s) that are the basis of[WU2] the report, and anyone who may have information related to your report.

3. Date(s) the conduct/incident occurred:

Is the conduct ongoing? · Yes; · No

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Number of additional pages attached, if any: _____

Electronic files/documents submitted? · Yes; · No. If yes, how many? _____