



## **The New Jersey Creative Arts Collaborative**

### **Equal Employment Opportunity (EEO) Policy**

The New Jersey Creative Arts Collaborative (NJCAC) is an Equal Opportunity Employer and is committed to complying with all federal, state and local equal employment opportunity ("EEO") laws. NJCAC prohibits discrimination against employees and applicants for employment because of the individual's race or color, religion or creed, alienage or citizenship status, sex (including pregnancy), national origin, age, sexual orientation, gender identity or expression, disability, marital status, familial status, domestic partnership status, genetic information or predisposing genetic characteristics, military status, domestic violence victim status, or any other characteristic protected by law.

This policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors, volunteers and persons conducting business, regardless of immigration status, with NJCAC. In the remainder of this document, the term "employees" refers to this collective group. NJCAC also considers for employment qualified applicants with criminal histories consistent with federal, state, and local laws. This policy applies to all NJCAC activities, including, but not limited to, recruitment, hiring, compensation, assignment, training, promotion, performance evaluation, discipline and discharge. As detailed below, this policy also bans discriminatory harassment.

### **Discriminatory Harassment**

As part of this EEO Policy, NJCAC prohibits conduct that constitutes or could lead or contribute to harassment because of an individual's race or color, religion or creed, alienage or citizenship status, sex (including pregnancy), national origin, age, sexual orientation, gender identity or expression, disability, marital status, familial status, domestic partnership status, genetic information or predisposing genetic characteristics, military status, domestic violence victim status, criminal history, or any other characteristic protected by law. Examples of such conduct include, but are not limited to:

- Ethnic slurs;
- Distribution of racially offensive communications; and/or threatening, intimidating, or hostile acts directed at a particular sex or religious group or directed at an individual because of his or her sexual orientation, gender identity, color or ethnicity.
- Harassment does not require intent to offend. Thus, inappropriate conduct or language meant as a joke, a prank, or even a compliment can lead or contribute to harassment.



## **Sexual Harassment**

With respect to sexual harassment, NJCAC prohibits the following:

- Unwelcome sexual advances, requests for sexual favors and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:
- Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
- Such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment;
- Offensive comments, jokes, innuendo and other sexually oriented statements.

Additional information is available in greater detail in **NJCAC's Sexual Harassment Policy**.

## **Guidelines and Procedures**

Every management level employee is responsible for the conduct of employees he/she supervises or manages and for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Every employee is responsible for his/her own conduct and for respecting the rights of co-workers. All employees are encouraged to report any discrimination, harassment or behaviors that violate this policy. Reports may be made verbally or in writing. A form for submission of a written complaint is attached to this policy. Employees who are reporting on behalf of other employees should use the complaint form and note that it is on behalf of another employee.

NJCAC will conduct a prompt and thorough investigation that ensures due process for all parties whenever management receives a complaint about sexual harassment, or otherwise knows of possible discrimination or harassment occurring. NJCAC will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever discrimination and/or harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation.

## **Retaliation**

Threats or acts of retaliation against individuals who report inappropriate conduct pursuant to this policy or provide information in connection with a report by another individual will not be tolerated. In the event you believe that you have been retaliated against for such action, you should use the above procedures to report the pertinent facts promptly. NJCAC will investigate and take appropriate action in the manner described above.

In accordance with the requirements of New Jersey law, this policy against retaliation includes a prohibition on retaliating against anyone who, in good faith complains or provides information about



suspected sexual harassment. No person covered by this EEO Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint (or testifies in or assists in any proceeding concerning sexual harassment). Any employee who retaliates against anyone involved in a sexual harassment investigation or proceeding will be subjected to disciplinary action, up to and including termination. All employees or other covered individuals who believe they have been subject to retaliation in violation of this policy should report their concern using the Complaint Procedures described above.

Any questions regarding the interpretation of this Policy or clarification of your rights, should be directed to the Executive Director and/or the Artistic Director.

### **Reasonable Accommodation**

NJCAC will provide reasonable accommodations consistent with the law to otherwise qualified employees and applicants with a disability and to employees and applicants with needs related to their religious observance or practices, pregnancy, childbirth, or related conditions, or status as a victim of domestic violence, sex offenses, or stalking. What constitutes a reasonable accommodation depends on the circumstances and thus will be addressed by NJCAC on a case-by-case basis.

You should notify the Executive Director and/or the Artistic Director if you require an accommodation for one of the reasons described above. When making your request for an accommodation, you should include relevant information, including without limitation a description of the proposed accommodation, the reason you need it along with any supporting documentation, and how the accommodation will allow you to perform your essential job functions.

After receiving an accommodation request, NJCAC will engage in a cooperative dialogue, either in writing or orally, with you within a reasonable timeframe to determine your precise limitations and explore potential reasonable accommodations that could overcome those limitations. NJCAC encourages you to suggest specific accommodations that you believe would allow you to perform your job. However, NJCAC is not required to provide the specific accommodation you request and may provide an alternative to the extent any reasonable accommodation can be made without imposing an undue hardship on NJCAC.

After engaging in this dialogue, NJCAC will provide you with a final written determination regarding your request for an accommodation. NJCAC will not discriminate or retaliate against any employee for requesting an accommodation.