



The New Jersey Creative Arts Collaborative

Sexual Harassment Policy

The New Jersey Creative Arts Collaborative (NJCAC) is committed to maintaining a workplace free from sexual harassment. Sexual harassment is against federal, state and local laws and all employees have a legal right to a workplace free from sexual harassment. 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.

Policy:

1. Sexual harassment will not be tolerated. All employees must follow and uphold this policy. Any employee or individual, including managers and supervisors, covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g. counseling, suspension, termination of employment or services).
2. Retaliation Prohibition: No person covered by this policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. NJCAC will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of NJCAC who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination of employment or services. All employees or non-employees working for or providing services to NJCAC who believe they have been subject to such retaliation should inform a supervisor, manager, or the Executive Director of the organization.
3. All employees are encouraged to report any harassment or behaviors that violate this policy. Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this policy. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee’s behalf.
4. 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 sexual harassment occurring. NJCAC will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.



5. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Executive Director of NJCAC. In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to disciplinary action for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Sexual Harassment Defined

Sexual harassment is harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassers can be a superior, a subordinate, a co-worker or anyone in providing services to NJCAC including an independent contractor, contract worker, vendor, client, customer or visitor.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- 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, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment. This is also called "quid pro quo" harassment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
 - Rape, sexual battery, molestation or attempts to commit these assaults.



- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

The list above is not intended to be all inclusive. Employees should be aware that sexual harassment can occur at work-related events outside of the designated workplace such as informal business locations including but not limited to NJCAC workshops, festivals, parties, special event functions and business trips.

Calls, text messages, emails and social media usage by employees can constitute unlawful workplace harassment even if they occur away from the workplace premises on personal devices or outside of normal business hours.

Retaliation

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. Protected activity occurs when a person has:



- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not escalate to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Legal Protections And External Remedies

Aside from the internal process at NJCAC, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

The New Jersey Law Against Discrimination (N.J.S.A. 10:5-12) (LAD) makes it unlawful to subject people to discrimination or harassment based on race, creed, color, national origin, nationality, ancestry, sex, pregnancy, breastfeeding, sexual orientation, gender identity or expression, disability, familial status, marital status, domestic partnership/civil union status, liability for military service, and in some cases atypical hereditary cellular or blood trait, genetic information, and age. The LAD prohibits unlawful discrimination in employment, housing, places of public accommodation, credit and business contracts. Not all of the foregoing prohibited bases for discrimination are protected in all of these areas of activity. For example, familial status is only protected with respect to housing.

A complaint alleging violation of the LAD may be filed with the Division on Civil Rights (DCR). Visit DCR at www.njcivilrights.org for contact information of regional offices across New Jersey. Also, the website has a complaint form that can be downloaded and completed. Complaints with DCR may be filed any time **within 180 days** of the harassment. You do not need an attorney to file a complaint with DCR and there is no cost to file.

In the alternative, an individual who believes he or she has been discriminated against in violation of the LAD may file a complaint and try his or her case in New Jersey Superior Court. Individuals usually hire an attorney to represent them in a Superior Court action. A party cannot file with the Division on



Civil Rights and in Superior Court at the same time. A Superior Court action must be filed within two years from the act of discrimination.

Click [here](#) to download the DCR Sexual Harassment Fact Sheet.

Complaining internally to NJCAC does not extend your time to file with DCR or in court.

DCR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DCR has the power to award relief, which varies but may include redress the damage caused, including paying of monetary damages and civil fines.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (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. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work 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 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex



The New Jersey Creative Arts Collaborative

Complaint Form

If you believe that you have been subjected to sexual harassment, discrimination or other conduct violating The New Jersey Creative Arts Collaborative (NJCAC) sexual harassment or discrimination policies, you are encouraged to complete this form and submit it to Diane Parker via email to administrator@njcac.org or the form can be mailed to Diane Parker, NJCAC, P. O Box , Old Bridge, NJ 08857

If you are more comfortable reporting verbally, you may speak to Diane Parker by calling () xxx-xxxx .

You will not be retaliated against for submitting a complaint.

While the process may vary from case to case, all allegations will be investigated promptly and resolved as quickly as possible. The investigation will be kept confidential to the extent possible.

COMPLAINANT INFORMATION

Name: _____

Work Phone: _____ Home/Cell Phone: _____

Job Title: _____ Email: _____

Select Preferred Communication Method: Email Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____

Title: _____

Work Phone: _____

Work Address: _____



COMPLAINT INFORMATION

1. Who do you believe engaged in an activity or exhibited a behavior violating NJCAC policy?

Name: _____

Title: _____

Work Phone: _____

Work Address: _____

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.



3. Date(s) sexual harassment/discrimination occurred: _____

Is the harassment/discrimination continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.



I certify the information contained in this Complaint Form is true and accurate to the best of my knowledge.

COMPLAINANT SIGNATURE

Signature: _____

Date: _____