



## **LA JOLLA PLAYHOUSE DISCRIMINATION, UNLAWFUL HARASSMENT AND RETALIATION POLICIES AND COMPLAINT PROCEDURE**

La Jolla Playhouse (“The Playhouse”) adopted the following policies pursuant to the California Fair Employment and Housing Act and related state and federal laws regarding discrimination, unlawful harassment, and retaliation.

The Playhouse is committed to providing a professional work environment free from discrimination, unlawful harassment, and retaliation. Accordingly, the Playhouse has adopted the following policies, which are designed to prevent unlawful conduct in the workplace, encourage professional and respectful behavior in the workplace, promote the reporting of potential violations, and foster taking corrective action where appropriate, even if the violation does not rise to the level of unlawful conduct.

All employees, visiting artists, contractors, and volunteers are expected to assume responsibility for maintaining a professional work environment in accordance with the following policies. As such, any individual who experiences potential violations of the following policies are strongly encouraged to promptly report so that the Playhouse may have an opportunity to address and resolve any concerns. All employees (particularly supervisors) are required to immediately report any potential violations of the following policies. The Playhouse is committed to responding to alleged violations of these policies in a timely and fair manner and to taking appropriate action aimed at ending the prohibited conduct.

### **EQUAL EMPLOYMENT OPPORTUNITY (DISCRIMINATION)**

**Covered Individuals:** This policy protects all employees of the Playhouse as well as interns, volunteers, and potential employees (applicants). All employees of the Playhouse are required to abide by this policy, regardless of position or status, including supervisors, management, and co-workers.

**Discrimination:** As used in this policy, “discrimination” means taking any adverse employment action against an employee or applicant in any aspect of employment, solely or in part based on the individual’s protected category. Discrimination may include, but is not necessarily limited to, factoring an individual’s protected category in hiring, promotion, compensation, or other terms and conditions of employment unless otherwise permitted by law.

**Adverse Employment Action:** As used in this policy, “adverse employment action” may include, but is not necessarily limited to, the following: demotion; suspension; reduction in pay; denial of a salary increase; failure to hire or consider for hire; refusal to promote or consider for promotion; denial of employment opportunities; change of an employee’s work assignments; failure to provide a workplace accommodation when required (i.e., disability, pregnancy, religion, transgender); failure to provide a leave of absence when required (i.e., medical, pregnancy, workers’ compensation, military, domestic violence); or any other unequal treatment based on the individual’s protected category resulting in an adverse employment action.

**Protected Categories:** The Playhouse’s policy prohibits discrimination based on race (which includes historically associated traits, such as hair texture and protective hair styles, e.g., braids, locks, and twists), religion, religious creed (which includes religious dress and grooming practices), color, national origin (which includes, but is not limited to, national origin groups and aspects of national origin, such as height, weight, accent, or language proficiency), ancestry, physical disability, mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, reproductive health decision-making, sex (which includes pregnancy, childbirth, breastfeeding, and related medical conditions), gender, gender identity, gender expression, age (40 years and over), sexual orientation, military or veteran status (including state and federal active and reserve members as well as those

ordered to duty or training), immigration/citizenship status or related protected activities (which includes undocumented individuals and human trafficking), protected medical leaves (e.g., requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), domestic violence victim status, political affiliation, or any other consideration made unlawful by federal, state, or local laws, ordinances, or regulations. These categories include a perception that the individual has any of these characteristics or is associated with a person who has (or is perceived to have) any of these characteristics.

**Scope of Policy:** The Playhouse is an equal employment opportunity employer and is committed to complying with all applicable laws providing equal employment opportunities. As such, the Playhouse makes employment decisions, including, but not limited to, hiring, recruiting, firing, promotion, demotion, training, compensation, qualifications/job requirements, on the basis of merit and/or business necessity. Employment decisions are based on an individual's qualifications as they relate to the job under consideration pursuant to legitimate business purposes.

If you believe you have been subjected to, witnessed, or have knowledge about discrimination, please follow the complaint procedure outlined below.

## UNLAWFUL HARASSMENT

**Covered Individuals:** This policy protects all employees of the Playhouse as well as visiting artists, contractors, interns, volunteers, and potential employees (applicants). Everyone at the Playhouse is required to abide by this policy, regardless of position or status, including supervisors, management, and co-workers. In addition, this policy prohibits unlawful harassment by any third parties. The Playhouse will take all reasonable steps to prevent or eliminate unlawful harassment by non-employees, including patrons, board members, clients, vendors, and suppliers, who have workplace contact with our employees.

**Protected Categories:** The Playhouse's policy prohibits harassment based on race (which includes historically associated traits, such as hair texture and protective hair styles, e.g., braids, locks, and twists), religion, religious creed (which includes religious dress and grooming practices), color, national origin (which includes, but is not limited to, national origin groups and aspects of national origin, such as height, weight, accent, or language proficiency), ancestry, physical disability, mental disability, medical condition (including cancer and genetic characteristics), genetic information, marital status, reproductive health decision-making, sex (which includes pregnancy, childbirth, breastfeeding, and related medical conditions), gender, gender identity, gender expression, age (40 years and over), sexual orientation, military or veteran status (including state and federal active and reserve members as well as those ordered to duty or training), immigration/citizenship status or related protected activities (which includes undocumented individuals and human trafficking), protected medical leaves (e.g., requesting or approved for leave under the Family and Medical Leave Act or the California Family Rights Act), domestic violence victim status, political affiliation, or any other consideration made unlawful by federal, state, or local laws, ordinances, or regulations. These categories include a perception that the individual has any of these characteristics or is associated with a person who has (or is perceived to have) any of these characteristics.

**Unlawful Harassment:** Prohibited unlawful harassment may include, but is not necessarily limited to, the following behavior pertaining to **any of the above protected categories:**

- *"Hostile Work Environment" Harassment:*
  - **Verbal conduct** such as flirting, epithets, derogatory jokes or comments, voicemails, slurs or unwanted sexual advances, sexually suggestive innuendos, conversations regarding sexual activities, invitations, or comments (including, but not limited to, threats of deportation against applicants and employees and family members of applicants and employees, derogatory comments about immigration status or disability, or mockery of an accent or a language or its speakers).

- Disrespectful or unprofessional conduct based on any of the protected categories listed above.
- Comments or conduct that consistently target one gender, even if the content is not sexual.
- **Visual conduct** such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, gestures, text messages, social media, instant messages, e-mails, videoconferences, letters, pictures, or gifts.
- **Physical conduct** such as assault, unwanted touching, blocking normal movement, or interfering with work because of any protected basis.
- **“Quid Pro Quo” Harassment:**
  - Threats and demands to submit to sexual requests as a condition of continued employment or to avoid some other loss and offers of employment benefits in return for sexual favors.

Sexually harassing conduct does not need to be motivated by sexual desire and may include situations that began as reciprocal relationships but later ceased to be reciprocal.

**Scope of Policy:** The Playhouse is committed to providing a work environment free of unlawful harassment. This policy applies to all phases of employment, including, but not limited to, remote work, virtual work, telecommunications of any kind, recruiting, testing, hiring, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay, benefits, and selection for training. In addition, this policy extends to conduct with a connection to an employee’s work, even when the conduct takes place away from the Playhouse’s premises, such as telecommuting, a business trip, business-related social function, or social media activity (depending on the circumstances).

If you believe you have been subjected to, witnessed, or have knowledge about unlawful harassment, please follow the complaint procedure outlined below.

## RETALIATION

**Covered Individuals:** This policy protects all employees of the Playhouse as well as visiting artists, contractors, interns, volunteers, and potential employees (applicants). Everyone at the Playhouse is required to abide by this policy, regardless of position or status, including supervisors, management, and co-workers.

**Retaliation:** As used in this policy, “retaliation” means taking any adverse employment action against an individual because they engaged in protected activity pursuant to this policy. Protected activity may include, but is not necessarily limited to, the following: opposing a practice or conduct the individual reasonably believes to be unlawful; reporting or assisting in reporting suspected violations of this policy; cooperating or participating in investigations or proceedings arising out of a violation of this policy; or engaging in any other activity protected by applicable law.

**Adverse Employment Action:** As used in this policy, “adverse employment action” means conduct or an action that materially affects the terms and conditions of the employee’s employment status or is reasonably likely to deter the employee from engaging in further protected activity. Adverse employment actions may include, but are not limited to, the following: demotion; suspension; reduction in pay; denial of a salary increase; failure to hire or consider for hire; refusing to promote or consider for promotion because of reporting a violation of this policy; harassing another employee for filing a complaint; denying employment opportunities because of making a complaint or for cooperating in an investigation; changing an employee’s work assignments for identifying harassment or other forms of discrimination in the workplace; treating an employee differently such as denying an accommodation; not talking to an employee (the “cold shoulder”) when otherwise required by job duties; or otherwise excluding the employee from job-related activities because of engagement in activities protected under this policy.

Any retaliatory adverse action because of protected activity may be unlawful and will not be tolerated. If you believe you have been subjected to, witnessed, or have knowledge about retaliation, please follow the complaint procedure outlined below.

## **COMPLAINT PROCEDURE—DISCRIMINATION, UNLAWFUL HARASSMENT, RETALIATION**

**Duty to Report:** Anyone who believes they have been subjected to discrimination, unlawful harassment, and/or retaliation are **strongly encouraged** to promptly report the alleged violation(s) in accordance with the procedures set forth below. All employees (**particularly supervisors**) who believe they have witnessed or have knowledge of discrimination, unlawful harassment, and/or retaliation are required to immediately report the alleged violation(s) in accordance with the procedures set forth below. Immediate reporting allows the Playhouse to quickly and fairly resolve any complaints in the workplace.

In addition to reporting, anyone who experiences or witnesses conduct that the individual believes is unlawful is encouraged to tell the offending individual that the behavior is inappropriate and must be stopped, if they are comfortable doing so.

**Where to Report Complaint to the Playhouse:** Submit a complaint to your supervisor, Human Resources, any other supervisor within the Playhouse, the Board of Directors, or the Playhouse’s reporting hotline. There is no requirement to report your complaint to any designated supervisor within the Playhouse. Select the individual with whom you feel the most comfortable discussing your complaint. Do not report your complaint to any individual who has allegedly engaged in the inappropriate behavior that is the subject of your complaint.

Supervisors must report any and all conduct of which they are made aware, which violates, or may violate, policies regarding discrimination, unlawful harassment, or retaliation to the Human Resources Manager, the Managing Director, the Artistic Director, or the General Manager, as appropriate. Supervisors who fail to report alleged violations may be subject to disciplinary action, up to and including termination.

***Playhouse Reporting Hotline:***

Website: [www.lighthouse-services.com/ljp](http://www.lighthouse-services.com/ljp)

Toll-Free Telephone:

- English speaking USA and Canada: 833-290-0001
- Spanish speaking USA and Canada: 800-216-1288

E-mail: [reports@lighthouse-services.com](mailto:reports@lighthouse-services.com) (must include Company name with report)

Fax: (215) 689-3885 (must include Company name with report)

**Contents of Complaint:** All complaints submitted pursuant to this policy can be done in writing or verbally. Your complaint should be specific and should include the names of the individuals involved, the names of any witnesses, and any supporting documentation. You may choose to submit their complaints anonymously through the reporting hotline.

**Response to Complaint (Investigation):** Upon notice of conduct requiring an investigation, the Playhouse will look into the facts and circumstances of the alleged violation, as appropriate. The Playhouse will attempt to resolve the situation by promptly undertaking an effective, thorough, and objective investigation through the use of “qualified personnel” and using methods that provide all parties with “appropriate due process.” The Playhouse’s investigation methods will vary depending on the nature of the complaint, the allegations, the witnesses, and other factors. All complaints will be handled as confidentially as possible and information will be disclosed only as it is necessary to complete the investigation and resolve the matter.

The Playhouse may investigate conduct in the absence of a formal complaint if the Playhouse has reason to believe that an individual has engaged in conduct that violates Playhouse policies or applicable law. Further, the Playhouse may continue its investigation even if the original complainant withdraws their complaint during the course of the investigation.

Everyone is required to fully cooperate with the Playhouse's investigation, which includes, but is not limited to, providing all pertinent information in a truthful manner, submitting pertinent documents in their possession, not interfering with the investigation in any manner, and maintaining an appropriate level of discretion regarding the investigation. Failure to do so may result in disciplinary action, up to and including termination of employment/contract/partnership.

During the investigation, the Playhouse will provide regular progress updates, as appropriate, to those directly involved. The Playhouse will strive to complete its investigation as efficiently as possible in light of the allegations and will reach any conclusions based on the evidence collected and credibility of the witnesses. At the completion of its investigation, the Playhouse will inform the complainant(s) and the accused of its findings and decisions to the extent permitted by applicable law.

**Corrective Action:** If the Playhouse determines that violations have occurred, the Playhouse will take appropriate corrective action in accordance with the circumstances involved, including appropriate action to deter future conduct. Examples of potential corrective action include, but are not limited to, written or verbal disciplinary action, suspension, reassignment, demotion, or termination of employment/contract/partnership, among others. In addition, the offending individual may be legally liable for their conduct, depending on the circumstances. Due to privacy protections, the Playhouse is not able to fully disclose its entire decision regarding corrective action to the complainant.

**No Retaliation:** There will be no retaliation against anyone who brings a complaint in good faith or who honestly assists in investigating such a complaint, even if the investigation produces insufficient evidence that there has been a violation, or if the charges cannot be proven. Please refer to the Playhouse's Retaliation Policy above for further information.

**How to Report Complaint to Government Agencies:** Employees who believe that they have experienced unlawful conduct under these policies may also file a complaint with the local office of the California Civil Rights Department (CRD) or the Equal Employment Opportunity Commission (EEOC). The CRD and the EEOC can order an employer to hire, reinstate, or promote a victim of discrimination, unlawful harassment, and/or retaliation or make other changes in company policies. The address and phone number of the local CRD and EEOC offices can be found online.

**Training Requirements:** The Playhouse requires all employees to abide by California's training requirements, which includes training within six months of hire and retraining every two years thereafter. Employees who fail to complete this required training will be subject to disciplinary action, up to and including termination.