

FORT LIGONIER DAYS, INC

Policy on Non-Discrimination and Equal Access

The Fort Ligonier Days, Inc. is a 501(c)(3) organization which conducts business activities for the production of the Fort Ligonier Days Festival (the “Festival”). The Festival is an annual event that occurs in October in Ligonier to commemorate Fort Ligonier. Historically, there was a bicentennial celebration in 1958, which included a parade and a visit from Dwight Eisenhower. Then, in 1960, the initial Festival was held, and it has continued and expanded each year since. The current Festival is a three-day public event filled with craft and food vendors, re-enactments, musical entertainment and a significant parade. In operating as a free, public event, Fort Ligonier Days, Inc. is committed to providing a festival that is free from discrimination and accessible to all, without regard to race, religion or religious creed, color, sex, gender identity or expression, sexual orientation, age, national origin, ancestry or place of birth, disability, marital status, familial status, genetic information, use of a guide or support animal because of blindness, deafness, or physical disability, the disability of an individual with whom the person is known to have associated, or any other protected classification, in accordance with applicable federal, and state laws.

Fort Ligonier Days, Inc. has not been and currently does not have any employees, but it does manage a large base of volunteers through various committees. The committees are normally run by a volunteer committee chair who works closely with the Fort Ligonier Days Committee and the Chair and Co-Chair of the Fort Ligonier Days Committee. The Fort Ligonier Days Committee is a standing committee of Fort Ligonier Days, Inc. and is overseen by the Board of Directors of Fort Ligonier Days, Inc.

Fort Ligonier Days, Inc. as a potential employer in the future and in all dealings with its various volunteers, shall through this policy provide equal opportunities and equal access to all qualified persons. Said access applies to all aspects of the Festival, including but not limited to organizing, planning, preparation, management, promotion, production and clean-up.

Fort Ligonier Days, Inc. also prohibits retaliation against a person because he or she complained about illegal discrimination, filed a charge of discrimination with an agency of government, or participated in a discrimination investigation or legal or administrative proceeding involving a complaint of illegal discrimination. Fort Ligonier Days, Inc. takes allegations of discrimination, harassment and retaliation very seriously and will promptly conduct an investigation of any suspected activity of this type.

Unlawful Harassment

Fort Ligonier Days, Inc. also prohibits unlawful harassment of any of its contractors, vendors, volunteers, sponsors, members of its Board of Directors, patrons of/attendees at the Festival, or anyone else participating in the production of the Festival or doing business with it.

Harassment is potentially unlawful, and subject to this policy, if it is directed against an individual based on or because of that individual’s race, religion or religious creed, color, sex, gender identity or expression, sexual orientation, age, national origin, ancestry or place of birth, disability, marital status, familial status, genetic information, use of a guide or support animal because of blindness, deafness, or physical disability, the disability of an individual with whom the person is known to have associated, because that individual complained about illegal discrimination, filed a charge of discrimination with an agency of government, or participated in an employment discrimination investigation or legal or administrative proceeding involving a complaint of illegal discrimination, or because of that individual’s membership in any other protected classification in accordance with applicable federal, state, and local laws.

The prohibition on unlawful harassment applies to all activities in or related to the production of the Festival. Fort Ligonier Days, Inc. recognizes that the “work environment” for purposes of this policy prohibiting unlawful harassment includes more than a traditional work setting. “Work environment” also may include, for example, meetings, conferences, functions sponsored by other entities in which representatives of Fort Ligonier Days, Inc. participate, or any other function which representatives of Fort Ligonier Days, Inc. are required or encouraged to attend in order to promote or produce the Festival.

Sexual and other Unlawful Harassment

Sexual harassment law developed under Title VII of the Civil Rights Act of 1964. For employees of covered employers, sexual harassment is defined as a form of unlawful sex discrimination. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when any one of the following three criteria is met:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- (3) Such conduct has the purpose or effect of:
 - a. Unreasonably interfering with an individual's work performance; or
 - b. Creating an intimidating, hostile, or offensive work environment.

Conduct which is harassing based on legally protected characteristics other than sex is evaluated under the same criteria, listed in items (1) through (3) immediately above, for sexual harassment.

Fort Ligonier Days, Inc. also recognizes that under this definition of sexual or other unlawful harassment, certain types of conduct, while intended to be inoffensive social exchanges or jokes, may be perceived as creating an offensive, hostile and intimidating environment. One key to whether conduct constitutes sexual or other unlawful harassment is that the conduct is “unwelcome.” Sexual or other unlawful harassment is defined by what is offensive to a reasonable person in the position of the person on the receiving end of the conduct.

Conduct violates this policy and may be potentially unlawful whether or not the alleged harasser intended the conduct to harass, or whether or not the alleged harasser intended the conduct to be directed towards someone other than the person offended by it. If an individual makes an improper and demeaning comment to someone who does not view that comment as unwelcome, but the comment is overheard by someone who does not regard the comment as welcome, the comment may violate this policy.

Although Fort Ligonier Days, Inc. does not currently, and has not in the past, had employees, this policy shall apply to any future employees, and potentially to Fort Ligonier Days, Inc. contractors, vendors, volunteers, sponsors, members of its Board of Directors, patrons of/attendees at the Festival, or anyone else participating in the production of the Festival or doing business with it.

Some examples of the types of conduct which may be found to constitute illegal sexual or other unlawful harassment include, but are not necessarily limited to the following:

- **Verbal:** This policy prohibits sexual innuendo, suggestive or obscene comments, jokes of a sexual nature, sexual propositions or threats, graphic, verbal commentary about an individual's body, sexual behavior, sexual prowess or sexual deficiencies. Similarly, the policy prohibits innuendo or remarks, whether intended to be demeaning or intended to be humorous, about a person's age, race,

color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity or expression, marital or familial status, disability, or membership in any other category protected by federal, state, or local law.

- Non-verbal: This policy prohibits sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, or obscene gestures. Similarly, this policy prohibits the circulating or forwarding pictures, cartoons, other graphic depictions, or sound or video clips, whether intended to be demeaning or intended to be humorous, about a person's age, race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity or expression, marital or familial status, disability, or membership in any other category protected by federal, state, or local law.
- Written/Electronic: This policy prohibits any electronic or written communication that transmits content that would fall within the two former categories. Transmission of so-called "jokes" via e-mail or via social media that demean individuals on the basis of their membership in categories protected by federal, state, or local law violates this policy.
- Physical: This policy prohibits unwelcome physical contact, including touching, pinching, invading one's "personal space," brushing the body, or assault, when any of these types of actions are of a sexual nature. Similarly, this policy prohibits unwelcome physical contact, including touching, invading one's "personal space," or assault, which is directed at a person because of that person's age, race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, gender identity or expression, marital or familial status, disability, or membership in any other category protected by federal, state, or local law.

Fort Ligonier Days, Inc. views any of the kinds of conduct listed in the four bullet pointed categories above as inappropriate, and strictly prohibits this conduct, whether or not the conduct is directed against a legally protected individual and/or has the severity or pervasiveness necessary for it to constitute sexual or other unlawful harassment as defined by law.

Complaint Procedure

Each Board member, committee chair, volunteer, and any future employee, is responsible for creating an atmosphere free of discrimination, whether it is in the form of unlawful sexual harassment or other unlawful harassment, and each such person is responsible for respecting the rights of other Board members, volunteers, vendors, patrons, co-workers, the general public, and any others doing business with Fort Ligonier Days, Inc. All such parties shall also have the responsibility to immediately report to an Officer of Fort Ligonier Days, Inc. Board of Directors (the President, Vice President, Secretary, or Treasurer of the Board of Directors), any conduct which he or she learns of or witnesses which he or she reasonably believes may violate this policy. The contact information for the officers shall be included at the end of this policy, and shall be kept current.

Complaints of sexual or other unlawful harassment will be investigated promptly. All complaints will be kept confidential to the extent feasible, consistent with conducting an appropriate investigation and with taking appropriate remedial action as warranted based on the results of the investigation. During any such investigation, the complaining party and the accused may be separated, if feasible, and may be instructed to avoid any interaction or to limit any interaction to the minimum necessary. Interviewees in the course of an investigation will be instructed to keep the investigation and all matters pertaining to it confidential.

If Fort Ligonier Days, Inc. determines that a violation of this Policy has occurred, appropriate remedial action will be taken within the scope of authority of Fort Ligoniers Days, Inc. Such remedial action may include counseling, reassignment, reprimand, or other corrective action in the discretion of Fort Ligonier

Days, Inc., up to and including removal of the offending party from his or her affiliation with Fort Ligonier Days, Inc.

Fort Ligonier Days, Inc. prohibits any form of retaliation against any person affiliated with Fort Ligonier Days, Inc., for filing a good faith complaint under this policy or for reporting conduct believed in good faith to be prohibited by this policy or for assisting or participating in good faith in a complaint investigation.

Adopted: September 11, 2015

Contact Information:

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